8468. By Mr. PRALL: Petition received from Helena R. Pouch, regent, Richmond Chapter Daughters of the American Revolution, that the policy of the immigration act of 1924 be continued, and particularly the permanent basis for apportioning the quotas among the several countries in proportion to the number of persons of each national origin, including descendants now residing in the United States; to the Committee on Immigration and Naturalization.

8469. Also, petition received from the president of the Philemon Literary Society, Isabelle Temple, Tottenville, Staten Island, N. Y., that the policy of the immigration act of 1924 be continued, and particularly the permanent basis for the apportioning of the quotas among the several countries in proportion to the number of persons of each national origin, including descendants, now residing in the United States; to the Committee on Immigration and Naturalization.

8470. By Mr. VINCENT of Iowa: Petition of Women's Auxiliary to the Railway Mail Association, Council Bluffs, Iowa, urging support for the 44-hour week bill for postal clerks; to the Committee on the Post Office and Post Roads.

8471. By Mr. WELCH of California: Memorial of California Vineyardists' Association, calling attention of the Committee on Agriculture to the need of including perishable commodities, such as grapes, etc., in farm-relief legislation; to the Committee on Agriculture.

SENATE

THURSDAY, *January 31, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who hearest prayer, to whom all flesh shall come, satisfy us early with Thy mercy, for Thou hast taught us that ere our yearning has broken into speech Thou hearest us, that no secret sigh of discontent escapes Thy listening ear. Give to us an humble heart wherein we may enshrine the Infinite, and save us from the presumption that prides itself on knowledge not our own or fails to recognize the gifts Thy bounty yields. Reveal Thyself not only in this mystic hour but in all our strivings for the Nation's good, that we may be like those noble souls of other days who bore aloft the torch of truth, who from the mountain tops of vision heralded the coming day, and in the darkened valleys failed not to lift unto the hills of help the eyes of fellow men. Hear us and bless us for the sake of Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Simmons
Barkley	Frazier	McKellar	Smoot
Bayard	George	McMaster	Steiwer
Bingham	Gerry	McNary	Stephens
Black	Gillett	Mayfield	Swanson
Blaine	Glass	Moses	Thomas, Idaho
Blease	Glenn	Neely	Thomas, Okla.
Borah	Goff	Norbeck	Trammell
Bratton	Gould	Norris	Tydings
Brookhart	Greene	Nye	Tyson
Bruce	Hale	Oddie	Vandenberg
Burton	Harris	Overman	Wagner
Capper	Harrison	Pine	Walsh, Mass.
Caraway	Hastings	Ransdell	Walsh, Mont.
Copeland	Hawes	Reed, Mo.	Warren
Couzens	Hayden	Robinson, Ind.	Waterman
Curtis	Heflin	Sackett	Watson
Dale	Johnson	Schall	Wheeler
Dill	Jones	Sheppard	
Edwards	Kendrick	Shipstead	
Fess	Keyes	Shortridge	

Mr. GLENN. I desire to announce the absence of my colleague the senior Senator from Illinois [Mr. DENEEN] on account of illness.

Mr. NORRIS. I wish to announce the illness and on that account absence of my colleague the junior Senator from Nebraska [Mr. HOWELL].

Mr. GERRY. I wish to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is absent on account of illness.

I also desire to state that the senior Senator from South Carolina [Mr. SMITH] is absent owing to illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

REPORT OF GEORGETOWN GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from Robert D. Weaver, president of the Georgetown Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of that company, together with a list of stockholders, for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

REPORT OF THE CAPITAL TRACTION CO.

The VICE PRESIDENT laid before the Senate a communication from J. H. Hanna, president of the Capital Traction Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

SERVICE RETIREMENT DISABILITY FUND

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, copy of a letter from the Commissioner of Pensions, dated January 28, 1929, together with the eighth annual report of the board of actuaries of the civil-service retirement and disability fund, including, among other things, a valuation of the "civil-service retirement and disability fund," which, with the accompanying papers, was referred to the Committee on Civil Service.

PETITIONS AND MEMORIALS

Mr. CURTIS presented the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on Finance:

House Concurrent Resolution 9, relating to tariff on livestock and livestock products

Whereas since the present foot-and-mouth embargo against importation of meat animals and meat products from South American countries into the United States demonstrates the beneficial effect of protection to our American livestock producers and is evidence of the necessity of an increased tariff duty on meat and meat animals; and

Whereas in order to protect livestock producers of the United States against the importation of all meat animals and meat products from low-cost production countries it is most urgent that Congress place hides on the dutiable list and increase present tariff duties on all meat animals and meat products at once: Therefore be it

Resolved by the House of Representatives of the State of Kansas (the Senate concurring therein), That we respectfully petition the Ways and Means Committee of Congress of the United States, at this time considering tariff schedules relating to agriculture, livestock, and livestock products, to place a tariff duty of at least 6 cents per pound on hides and increase the present tariff duty on meat and meat animals at least 200 per cent; and be it further

Resolved, That this resolution be engrossed by the secretary of the Senate and the chief clerk of the House of Representatives of the State of Kansas, and signed by the lieutenant governor and speaker of the house of representatives, and copies thereof transmitted to each member of the Kansas delegation in the National Congress.

I hereby certify that the above concurrent resolution originated in the house and passed that body.

January 23, 1929.

J. H. MYERS,
Speaker of the House.
IDA M. WALKER,
Chief Clerk of the House.

Passed the senate January 25, 1929.

J. W. GRAYBILL,
President of the Senate.
CLARENCE W. MILLER,
Assistant Secretary of the Senate.

Mr. SCHALL presented resolutions adopted by the Legislature of the State of Minnesota favoring the readjustment of tariff schedules affecting agricultural commodities, so that the American farmer may be placed on a parity with those engaged in other industries and insuring for him the full benefit of the American market for his products and giving him the average cost of production based on American standards of living, which were referred to the Committee on Finance.

(See resolutions printed in full when presented on yesterday by the Vice President, p. 2431 of the RECORD.)

Mr. SHEPPARD presented a petition of sundry citizens of the State of Texas, praying for the passage of legislation providing for the making of loans to drainage or levee districts, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, reported a joint resolution (S. J. Res. 206) to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved

in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park, was read twice by its title, and ordered to be placed on the calendar.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects, reported it without amendment and submitted a report (No. 1575) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 4559) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pension in certain cases, reported it with amendments and submitted a report (No. 1573) thereon.

Mr. STEPHENS, from the Committee on the Judiciary, to which was referred the bill (H. R. 11285) to establish Federal prison camps, reported it with an amendment and submitted a report (No. 1574) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5491) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, reported it with an amendment and submitted a report (No. 1576) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5713) to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank (Rept. No. 1581);

A bill (H. R. 12607) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110, of the American Legion, the bell of the battleship *Connecticut*, reported it without amendment and submitted a report (No. 1579) thereon; and

A bill (H. R. 13428) for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China (Rept. No. 1582).

Mr. SCHALL, from the Committee on Naval Affairs, to which was referred the bill (S. 2068) for the relief of certain officers of the Dental Corps of the United States Navy, reported it without amendment and submitted a report (No. 1577) thereon.

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (H. R. 496) authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States, reported it without amendment.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories; and

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

RESCUES BY UNITED STATES SHIPPING BOARD VESSELS

Mr. GOFF. Mr. President, I send to the desk and ask to have printed in the RECORD and referred to the Committee on Commerce a report from the United States Shipping Board showing the rescues at sea in recent years by many United States vessels and especially the recent rescue by the steamship *America*, under command of Captain Fried.

There being no objection, the report was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SEAMEN ON SHIPPING BOARD VESSELS

It has been unjustly charged that the seamen employed on Shipping Board vessels are incompetent.

Your attention is drawn to the record of the crews of Shipping Board vessels who have made heroic rescues at sea. These crews were all supplied by the sea service section of the Shipping Board.

It is obviously unfair to the gallant American seamen employed on these ships to attempt to minimize their efficiency by making statements that they are incompetent after they have proved to the world that they are not only equal to but are even more efficient than foreign seamen, especially when foreign nations have recognized their heroic conduct, devotion to duty, and valor under the most trying conditions in the following well-known disasters at sea:

The rescue of the Italian ship *Ignazio Florio* by the steamship *President Harding* on October 19, 1925:

Deck department:	
Americans	32
Alien	1
Engine department:	
Americans	46
Alien	1

The rescue of the Norwegian ship *Elven* by the steamship *American Trader* on October 27, 1925. Steamship *American Trader* 100 per cent American crew.

The rescue of the British schooner *Spencer Lake* by the steamship *Ogontz* on January 15, 1926:

Deck department:	
Americans	9
Aliens	2
Engine department:	
Americans	10
Alien	1

The rescue of the British ship *Antinoe* by the steamship *President Roosevelt* on January 23, 1926:

Deck department:	
Americans	29
Alien	1
Engine department:	
Americans	45
Alien	1

The rescue of the French schooner *Muguet* by the steamship *West Harcuvar* on February 5, 1926:

Deck department:	
Americans	9
Aliens	2
Engine department:	
Americans	6
Aliens	2

The rescue of the Norwegian steamship *Pinto* by the steamship *Casper* on February 11, 1926:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	11

The rescue of the Dutch tanker *Silvanus* by the steamship *Topa Topa* on April 8, 1926:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	11

The rescue of the French schooner *Boree* by the steamship *Aquarius* on May 30, 1927:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	8

The rescue of the Italian steamship *Elipoli* by the steamship *Bibbco* on June 14, 1926:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	11

Steamship *Vincent:* Went to assistance of French barkentine *Sylvana*, transferred in heavy sea provisions and gear and took off injured seamen, October 5, 1928:

Deck department:	
Americans	12
Engine department:	
Americans	8

Rescue of 84 members of the crew and 41 passengers of the British steamship *Vestris* by steamship *American Shipper* on November 12, 1928. Steamship *American Shipper* 100 per cent American crew.

Steamship *McKeesport:* Went to assistance of Greek steamship *Alexandria* which was disabled at sea and towed same to safe harbor, on November 20, 1928. Steamship *McKeesport* 100 per cent American crew.

Steamship *Carlton:* Went to assistance of the British steamship *Tabora* and towed same to safe harbor, November 27, 1928. Steamship *Carlton* 100 per cent American crew.

Rescue of the crew of the American schooner *Jas. W. M. Hall*, on December 7, 1928, by the steamship *West Ekonk*. Steamship *West Ekonk* 100 per cent American crew.

The latest chapter in this splendid list of rescues was enacted on January 23, 1929, when, in a boisterous sea, 700 miles from shore, 32 members of the crew of the Italian freighter *Florida* were saved from a watery grave by the United States Shipping Board steamship *America*, under Capt. George Fried. Of the 79 sailors in the *America's* deck department, 76 were American citizens and the remaining three had taken out their first papers. The lifeboat crew which performed this heroic feat were all American citizens, placed aboard the ship by the sea service section of the Shipping Board.

The above record speaks for itself and should definitely silence those who seek to impeach the efficiency and gallantry of American seamen placed on Shipping Board vessels by the sea service section.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 5632) to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage and for acquiring and disseminating information relative to protein in wheat, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. STEIWER:

A bill (S. 5633) to amend an act entitled "An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes"; to the Committee on Indian Affairs.

By Mr. TYDINGS:

A bill (S. 5634) granting a pension to Alice E. Taylor; to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 5635) granting an increase of pension to Miguel Archuleta; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5636) authorizing the Director of the United States Veterans' Bureau to pay compensation to John Francis Dolan; to the Committee on Finance.

By Mr. NORBECK:

A bill (S. 5637) granting a pension to Richard C. Stirk; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 5638) granting a pension to Ellen Bibs; to the Committee on Pensions.

By Mr. GLENN (for Mr. DENEEN):

A bill (S. 5639) granting a pension to Mary E. Hartwell;

A bill (S. 5640) granting an increase of pension to Mary N. Henry;

A bill (S. 5641) granting a pension to George E. Bates;

A bill (S. 5642) granting a pension to Mary F. Brown;

A bill (S. 5643) granting a pension to Martha Talley;

A bill (S. 5644) granting a pension to Mayme D. Phelps; and

A bill (S. 5645) granting a pension to Annie I. Elwell; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 5646) for the relief of Homer N. Horine; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 5647) to establish a naval airship base in one of the Pacific Coast States; to the Committee on Naval Affairs.

By Mr. JONES:

A joint resolution (S. J. Res. 207) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes; to the Committee on Public Lands and Surveys.

MANUFACTURE OF STAMPED ENVELOPES

Mr. ODDIE submitted two amendments intended to be proposed by him to the joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4979) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

The message also announced that the House had passed the bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 13455. An act to authorize the collection of penalties and fees for stock trespassing on Indian lands;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; and

H. R. 16248. An act for the relief of the Osage Tribe of Indians, and for other purposes.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, in the New York Times of Sunday, the 27th instant, there appeared a very interesting and instructive editorial in support of my bill to create a national institute of health. I ask permission to have the editorial printed in the RECORD, and I respectfully invite the attention of every Senator to it. It is one of the finest on the subject that has been written.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

TEAMWORK OF SCIENCE

Attention was called by our London correspondent to the "teamwork" of the sciences in saving the life of the King. The physician has had the cooperation of the surgeon, the bacteriologist, the biochemist, the physiologist, and the X-ray physicist, and is to have the climatologist's suns, winds, and waters in bringing his royal patient back to health and strength again. It is a striking illustration of what the sciences can do when under unified command. They bring all their forces into the fight for the life of one whose unconquered spirit has itself been a factor in the struggle and victory.

Their success should suggest the importance of keeping these sciences in continuous cooperation everywhere, both in research and in practice. More particularly it should win new support of the bill for the proposed national institute of health which Senator RANSDELL has introduced in the Senate. The purpose is to convoke the aid of all the sciences for "investigation and research in the fundamental problems of the diseases of man" and related matters. At a hearing on this bill a few months ago, Dr. Reid Hunt, of the Harvard Medical School, said that never in the whole history of the world had efforts to improve health conditions been so far behind the advance in other sciences. In the field of chemistry, for example, thousands of new compounds are studied every year to see whether they are useful as dyes and paints, or in photography, or the rubber or automobile industry, but virtually none of them with a view to their possible use in promoting health. Yet, as Dr. William J. Mayo said in a recent address, "Life is largely a matter of chemistry."

It is estimated by Dr. Charles Herty that more than 100,000,000 people suffered from certain sorts of sickness in 1927. This meant an economic loss running up into billions. Such a showing again emphasizes the need of coordinating the sciences in a national effort to prevent diseases that are or may be preventable. The widespread influenza is an especially urgent reason for giving Federal support to such study.

General Gorgas, when asked what he would do with the hygienic laboratory which now exists in case this consolidation of all the health agencies were effected, said that he would make it "a gateway at the entrance to the great national health institute," where scientists might concentrate upon the problems of health. This little building would at the same time show the handicap under which the health service was placed, despite its accomplishments, by the "penury of the citizenship that had failed to realize its real needs."

AMERICAN MERCHANT MARINE

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in the Merchant Fleet News of December, 1928, entitled "American Valor on the Seven Seas," and likewise some brief comments which I made on that article and which appear in the Merchant Fleet News for January, 1929.

The article gives a list of accomplishments by American officers and seamen which, I think, ought to be recognized. There should be added, of course, to this list the occurrence which took place since its publication, the great achievement of Captain Fried and Chief Officer Manning, together with the lifeboat crew and other officers and men of the steamship *America*, in rescuing 32 men from the unfortunate *Florida* under very distressing circumstances. That achievement marks Captain Fried as an outstanding seaman and establishes his fame and proves the high standard of American seamanship.

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From the Merchant Fleet News, December, 1928]

AMERICAN VALOR ON THE SEVEN SEAS

Again the world has been thrilled by the work of American seamen, as it has often been since the days when American clippers ruled the seas. The ill-fated British vessel *Vestris* radioed its S O S, a call which demands prompt action on the part of every vessel within range of the call, but more especially does the call bring action on American ships. Tradition and instructions call for prompt and efficient action, and a long record of heroic work on the seas proves that always the American vessel has the "know-how" of reaching the point of need and rendering the help required. The steamship *American Shipper,* of the American Merchant Lines, was over 177 miles from the doomed *Vestris,* yet instantly it turned from its course and rushed toward the scene of disaster. Captain Cumings knew that other vessels were within 50 miles of the sinking vessel and several were within the 150-mile zone, but trained in American seamanship, the master of the *American Shipper* headed toward the call for need, as he says in his report: "My idea was to offer medical assistance, care of passengers and crew, and transportation to New York. Serious thought that we might be the ship to pick up the boats and survivors was not entertained." Yet it was Captain Cumings and his crew that picked up 125 of the survivors of the British vessel.

The rescue work of the *American Shipper* calls to mind a long list of heroic work, the willing risk of life and limb, by American seamen sailing under the Stars and Stripes. From this long list the Merchant Fleet News has selected a few of the later rescues, material in connection with which is at present available.

If these reports seem brief when considered in connection with the thrilling event recorded, bear in mind that men of the sea are by nature modest, and that they consider saving human life at sea, even at the risk of what would seem to be almost certain death, all in a day's work and a part of their job. Such is the modesty of the men in whose veins run the blood of heroes, American seamen with brains.

LIFE-SAVING EXPLOITS

There follows a few of the life-saving exploits of the United States Shipping Board vessels in recent years. Other pages could be added of a score of other exploits in which American seamen rushed to the rescue of life and did it efficiently and with no hope for gain or glory. In American marine services and on the vessels of the United States Navy there is but one idea when an S O S is heard and that is to render immediate service.

STEAMSHIP "WEST ELDARA"

Steamship *West Eldara* (freight). Master: Capt. A. L. Livingston. While this vessel was en route from Norfolk to Rotterdam and Antwerp on April 19, 1926, at 7.21 p. m. sighted distress signals burning on board the French schooner *M. F. Fecamp.* The master of the *West Eldara* immediately changed his course and one-half hour later hove-to alongside the French vessel, put out a small boat, and the mate came on board, informing they were in need of help, that the pumps had been kept going night and day for a week, and there were still 8 feet of water in the hold and the rudder carried away. He was advised that the *West Eldara* would stand by and take the crew off.

Owing to heavy seas running, it took several hours to effect the transfer of the 36 members of the crew, but after this was accomplished, the *West Eldara* did not leave until 12.32 on April 20 when it was felt sure the French schooner had settled low in water. A message was broadcasted by radio that this schooner was a menace to navigation, giving her position and condition as last seen.

STEAMSHIP "AMERICAN MERCHANT"

Steamship *American Merchant* (freight and passenger vessel). Master: Capt. S. F. Cummings. On November 2, 1925, this vessel conveyed the Holland-American steamship *Andijk* to the Azore Islands, a distance of 370 miles, the steamship *Andijk* having been bound to Rotterdam with a cargo of grain and encountering extremely heavy weather carrying away her bridge, wheel house, and smashing the wireless house and damaging the boats. Her compasses also were damaged, making her totally unable to make any port. Although this was considered salvage work, it was nevertheless thought a splendid piece of efficient seamanship and navigation on the part of the master of the steamship *American Merchant.*

STEAMSHIP "CASPER"

Steamship *Casper* (freight). Master: Capt. H. Bill. While en route from New York to Scandinavian ports in the Baltic sea, sighted the Norwegian motor ship *Pinto* with a crew of 13 men in distress. The crew of the *Pinto* was taken aboard the *Casper* in the morning of the 9th day of February, 1926, and during the transfer of the crew the master of the *Pinto* was swept overboard from the lifeboat, but was rescued. It appeared that the crew of the *Pinto* had been without provisions for three days.

A volunteer crew from the *Casper* manned the *Pinto* and took it in tow. After towing for several hours, the hawser parted and it became necessary to abandon her hastily. Third Officer K. Helwig, in charge of the volunteer crew was swept overboard from the lifeboat, but was saved by two members of the crew who were hurt in pulling him from the sea.

The *Casper* abandoned the *Pinto* and proceeded to Copenhagen with the shipwrecked crew.

STEAMSHIP "AMERICAN TRADER"

Steamship *American Trader* (freight and passenger vessel). Master: Capt. Hubbar C. Fish. On October 24, 1925, while this vessel was en route from London to New York and bucking a North Atlantic westerly gale, a call of distress was received from the sinking Norwegian steamer *Elven,* about 170 miles southwestward. Captain Fish immediately swung the vessel about and proceeded at full speed toward the position of the *Elven.* The sea was tremendous, and it was considered a dangerous maneuver, but was carried through without any damage. After searching throughout the day of the 24th and the night, the sinking vessel was finally located, but due to the tremendous sea and dark night, Captain Fish wisely decided to wait until daylight before attempting a rescue. At 6 a. m. of the 25th, the *American Trader* approached close to the *Elven* and rescued her crew, consisting of 32 men, without injury or damage of any kind. The lifeboat crew was in charge of Second Officer Warren A. Woodman, who it is stated, deserves great credit for the skillful manner in which he handled same. At the time the crew was taken from the *Elven* there was 17 feet of water in the holds, and sinking fast.

STEAMSHIP "PRESIDENT TAFT"

Steamship *President Taft* (passenger). Master: Capt. G. Y. January. While en route from San Francisco to Yokohama, Japan, via Honolulu, on January 26, 1924, at 2:15 a. m., the vessel received an S O S call from the British steamer *Mary Harlock.* The *President Taft* altered her course and proceeded at full speed to the assistance of the *Mary Harlock,* advising the master at the same time that the crew could be taken off but that the *President Taft* being a mail and passenger steamer could not stand by. The *Mary Harlock* advised they were not prepared to abandon the ship but wanted a vessel to stand by.

At 8.45 a. m., a radio from the *Mary Harlock* showed that she was in a serious predicament.

The *President Taft* again altered her course and proceeded to the *Mary Harlock,* circling the *Mary Harlock* four complete times and at the same time pumped oil overboard before a chance was taken to lower a lifeboat from the *President Taft.* The weather was westerly gale with wind at times of hurricane force and exceptionally high sea, which did considerable minor damage on foredeck of the *President Taft.*

However, an oil slick was formed and the steamship *Mary Harlock* managed to lower her lee lifeboat and was picked up at 5 p. m. by the *President Taft.* In the meantime the chief officer and 6 men of the *President Taft* manned a lifeboat of the *Mary Harlock* (the lee lifeboat mentioned above) and returned to the *Mary Harlock* picking up the remaining of the crew consisting of 12 men who were unable to get into the lifeboat on the first trip. At 5.53 p. m. the crew of 38 men were safely aboard the *President Taft* and this vessel was on its way to Yokohama, leaving the *Mary Harlock* a floating derelict, of which fact a radio was broadcast as a warning to all vessels in the Pacific. In consequence of this rescue, the *President Taft* arrived two days late at Yokohamo.

The master of the *Mary Harlock* expressed his sincere thanks for the prompt way in which the *President Taft* proceeded to his assistance.

STEAMSHIP "MEANTICUT"

Steamship *Meanticut* (freight vessel). Master: Capt. S. C. Wallace, on September 28, 1926, while this vessel was in latitude 24.15 longitude 81.20, en route from New Orleans to France, rescued three men from the motor boat *Shia Wasse,* in a sinking condition.

STEAMSHIP "AQUARIUS"

Steamship *Aquarius* (freight vessel). Capt. William H. Stone, master. This vessel sailed from Hamburg, Germany, for New Orleans, via Tampa, on the 27th day of May, 1927, and at 7.30 p. m., on May 30, picked up 14 men from 2 lifeboats belonging to the French 4-masted schooner *Boree,* of Nantes. The schooner was abandoned in a sinking condition in latitude 47.51 north, longitude 9.58 west. The wind was east, blowing hard and raining, with a rough high sea. The steamship *Aquarius* proceeded to Horta, Azores, where the rescued men were landed, two of which were injured.

STEAMSHIP "SACANDAGA"

Steamship *Sacandaga* (freight). Master: Capt. G. D. Sterling. While this vessel was en route from Charleston, S. C., to London, England, on June 8, 1925, sighted a Spanish balloon *Hesperio* at 7.15 a. m. The balloon was headed down the English Channel toward the Atlantic Ocean, and as it was nearing the *Sacandaga* the pilot was heard calling for help. Immediately the *Sacandaga* altered her course and proceeded toward the balloon, which was making about 7 knots before

the wind with drag in water. At 7.50 a. m. the balloon was overtaken and while the *Sacandaga* was maneuvering in a position to leeward in order that the balloon could drift down toward their port side it struck the port side of the vessel just aft of the smokestack with a crew standing by to take the pilots aboard. At the time the pilot was releasing the gas in the bag and, owing to bag being so close to the smokestack, the heat of same caused the gas to ignite, burning up the bag and setting fire to the boat deck of the *Sacandaga* and burning three members of the crew. Their injuries, however, were slight. The basket of the balloon was submerged beneath the water, holding one pilot with his feet caught in the net of the balloon and his body submerged to his shoulders. Seaman George Cooper dove in the water and cut the net free from the pilot's feet, who was assisted up a sea ladder by two other members of the crew. The crew consisted of two pilots, one of which had already boarded the *Sacandaga* without any difficulty.

The two pilots, who were lieutenants of the Spanish Royal Navy, were piloting the *Hesperio* in the Gordon-Bennett race, and as they had lost the greater part of their clothes and were wet, they were given dry clothes and treated in every respect to the best ability of the master until they were safely landed in London and turned over to the Spanish Naval Commissioner at 64 Victoria Street.

STEAMSHIP "HASTINGS"

Steamship *Hastings* (freight). Master: Capt. I. Hystad. This vessel while on voyage from Gulf port to Hamburg, Germany, on November 11, 1926, when about 15 miles west of Bimini Island, sighted a motor boat adrift, flying signals, and carrying two men, requesting to be towed to Fowey Rock Light, as the rudder was gone and engine disabled. The steamship *Hastings* passed them a line and gave them an oar with which to steer, and started ahead at half speed. Weather conditions prevented towage with safety, and at 12.15 p. m. the towline parted. The men in the launch asked to be taken off; hoisted boat on board and taken to destination.

STEAMSHIP "BIBBCO"

Steamship *Bibbco* (freight). Master: Capt. Bert U. Heald. On June 14, 1926, this vessel while en route to Montevideo from Mobile took on board from the disabled Italian steamship *Elipoli* 29 members of its crew about 70 miles northeastward of Cape Polonio, S. A.

The Italian vessel sunk two hours later. Capt. Jose Schiaffino, commanding the Italian ship, was warm in praise of the rescue effected by the steamship *Bibbco*.

STEAMSHIP "PRESIDENT M'KINLEY"

Steamship *President McKinley* (passenger). Master: Capt. Alvin Lustie. While this vessel was en route from Victoria, British Columbia, to Yokohama, Japan, she received S O S message at 6 p. m., January 3, 1924, from the Japanese vessel *Kyosei Maru* in latitude 49.41 N. longitude 174.10 E., requesting immediate assistance. The *President McKinley* was then about 300 miles away from this vessel and advised the *Kyosei Maru* it was proceeding to assist. At 11 a. m. of the 4th the master of the *Kyosei Maru* radioed that the ship was going to be abandoned and required assistance in a hurry, 47 persons aboard. The weather conditions were very unfavorable, heavy snow squalls were passing at frequent intervals, and at 1.20 p. m. of the 4th, the *Kyosei Maru* was sighted on the edge of a heavy snow squall, then lost entirely for about 20 minutes, and again sighted.

It appeared that the Japanese vessel was steaming away steadily to to the eastward at a rate of 8 to 10 knots an hour, and it took the *President McKinley* an hour to finally overtake her. The master of the *Kyosei Maru* then advised the master of the *President McKinley* he was sailing 3 knots, and requested him to follow until the following morning, as he would endeavor to keep within this speed, for he considered it dangerous to steam under less speed. The maneuvering placed the master of the *President McKinley* in a rather embarrassing position, and as he had passengers and mail aboard and was operating on schedule time and was getting short of fuel and fresh water.

About 4 a. m. of the 5th, the master of the *Kyosei Maru* decided to abandon the ship as the barometer was falling. At 7.20 a. m., the last of the crew of the Japanese vessel was taken off and landed aboard the *President McKinley* without accident to anyone.

As a heavy sea was running, it was imposible to hoist the lifeboat, and after all gear was salvaged from it, the boat was cast adrift, and the *President McKinley* proceeded on her voyage, after a delay of approximately 33 hours and running an extra distance of 217 miles.

All ships were warned by the *President McKinley* that the Japanese steamer was derelict and a danger to navigation.

STEAMSHIP "TOPA TOPA"

Steamship *Topa Topa* (freight). Master: Capt. B. A. Bostleman. While this vessel was proceeding down river below N. O. on April 8, 1926, witnessed collision between Dutch tanker *Silvanus* and American tanker *W. H. Wheeler*. The steamship *Silvanus* was loaded with benzine and became one mass of flames. The master of the steamship *Topa Topa* swung ship around and approached the *Silvanus* as near as possible, lowering three lifeboats which picked up Asiatics (members of crew and captain). The lifeboats made two trips to try and find other members of crew but were unsuccessful. Captain Bostleman paid special tribute to Third Officer L. J. Bogan, who began service in the rescue at 8.25 p. m. and continued to 11.25 p. m.

STEAMSHIP "EMERGENCY AID"

Steamship *Emergency Aid* (freight vessel). Master: Capt. Malcolm Cameron. While en route from New Orleans to Rotterdam, Holland, in latitude 25.23 north, 80.26 longitude west, on November 3, 1924, at 6.30 a. m. sighted the Cuban schooner *Jubilee* in distress. A lifeboat was launched from the steamship *Emergency Aid* and the crew of the Cuban schooner was taken safely aboard, the *Emergency Aid* proceeding toward Key West. On November 4, 1924, the crew of the *Jubilee* was placed aboard the Coast Guard cutter *Bayspring*, after which the steamship *Emergency Aid* proceeded on her voyage to Europe.

STEAMSHIP "PRESIDENT ROOSEVELT"

Steamship *President Roosevelt* (passenger). Master: Capt. George Fried. Voyage 41, eastbound; sailed from New York January 20, 1926, and at 5.40 a. m. of the 24th received an S O S from the British steamship *Antinoe*. The *President Roosevelt* arrived alongside the *Antinoe* at noon, same date, wind west, force 10, violent snow squalls, high rough sea, and began pumping oil overboard with excellent effect, the master of the *Antinoe* claiming that this saved his vessel from sinking.

At 9 p. m., during heavy snow squalls, the *President Roosevelt* lost sight of the *Antinoe*, whose radio and dynamo were out of commission, but picked it up again at 3.40 p. m. of the 25th, with her engine and foreroom flooded and No. 3 hatch broken. The vessel also had a heavy list to starboard.

The weather moderated, and an attempt was made by the *President Roosevelt* to send a manned lifeboat. While lowering the boat a vicious hail squall hit the vessels, making the sea too rough for lifeboat, and spilling out the crew, who managed to get back into the boat, covered with fuel oil and apparently exhausted. The lifeboat crew were ordered aboard the *President Roosevelt*, with the exception of two men who were lost overboard. Every effort was made to rescue these men, but, due to darkness and hail squalls, this was impossible.

On the 26th, as the *Antinoe's* distress signals indicated a perilous situation, the *President Roosevelt* attempted to float a boat by aid of Lyle gun; this did not prove successful and they tried to float a cask, which also failed.

On the 27th another attempt to float a boat to the *Antinoe* with end of line leading from top to after-king-post failed and was lost. The Lyle gun was fired 16 times, but carried away near projectile frequently. Colonel Hearn, artillery expert, a passenger, suggested using a spiral spring between projectiles and line, which was successful. Chief Engineer Turner had made 13 projectiles.

At 7.20 p. m. of the 27th the *Roosevelt* was successful in rescuing 12 men from the *Antinoe* in a lifeboat, which was so badly damaged was cut adrift after the crew was safely aboard.

At midnight the remainder of the crew of the *Antinoe* was rescued. The master had to be carried aboard and his crew were in a pitiful condition, due to exposure, lack of food and water for two days, and little clothing.

On January 28 the *President Roosevelt* proceeded on her voyage, leaving the *Antinoe* still floating, with both decks awash and 50° starboard list. Having stood by the *Antinoe* for three and one-half days, the crew almost exhausted from long vigil.

STEAMSHIP "OGONTZ"

Steamship *Ogontz* (freight vessel). Master: Capt. W. B. Zechel. While this vessel was en route from Galveston to Barcelona, Spain, on January 15, 1926, rescued master and crew of the Newland schooner, *Spence Lake*, in latitude 36.57 N., longitude 41 W. The six men would have lost their lives had not the steamship *Ogontz* rescued them.

STEAMSHIP "KENOWIS"

Steamship *Kenowis* (freight vessel). Master: Capt. W. P. Humphrey. This vessel, while en route from Antwerp to New York, on January 10, 1925, rescued the crew of the Portuguese schooner, *Manuel Caragol*. It appears that at 4.05 in the morning of this date a white flare-up light was sighted and the course of the *Kenowis* was altered toward the *Manuel Caragol*, which was bound from Montevideo to Philadelphia, 150 days out, water-logged, and without provisions. Sixteen men, including the master and their personal effects, were taken aboard the steamship *Kenowis*. The master of the Portugese schooner was in a feeble condition, due to lack of food and to his having three broken ribs.

The schooner had over 15 feet of water in her hold, which was gaining fast, as the crew was so weak from lack of food that they could hardly man the pumps. It seems that the 11 of the last 15 days before being rescued the crew had one sea biscuit apiece, and for the last 4 days nothing at all. The only water was what rain water they were able to catch.

Everything for their possible comfort was done by the crew of the *Kenowis*.

STEAMSHIP "PRESIDENT HARDING"

Steamship *President Harding* (passenger). Master: Capt. Paul Grening. On October 19, 1925, while on voyage 37, westbound, from Bremerhaven, Germany, responded at 10.34 a. m. to the S O S calls of the Italian *Ignazio Florio*, which vessel was in latitude 49.55 N., longitude 38.16 W. The weather at the time was west-southwest winds of terrific force and mountainous seas. At 9.50 a. m., on the 20th, the *President Harding* arrived alongside the *Ignazio Florio*, whose master advised that he wished to abandon the ship and that the chief officer had broken his foot, the second officer lost overboard, and no boats remained intact.

The *President Harding* discharged fuel overboard and sent boat on line to the *Ignazio Florio*, which vessel seemed to be in danger of capsizing. The *President Harding* lost two lifeboats in the attempt to rescue the crew at this time. As weather was so rough, the rescue of the Italian crew of 27 was not effected until the morning of the 21st. The *Ignazio Florio* was left in a sinking condition.

STEAMSHIP "SPRINGFIELD"

Steamship *Springfield* (freight). Master: Capt. M. J. Myers. While en route from Hamburg to Savannah on December 23, 1924, at 6.30 a. m., sighted distress rockets from the British brigantine *Thames*, of Fowey, England, which vessel was on a voyage from Brixham, England, to Savona, Italy, with 280 tons of china clay.

Assistance was requested by the master of the *Thames*, as the vessel was leaking badly and in a sinking condition and had to be abandoned. The *Springfield* stood by waiting for the weather to moderate. At 1.30 p. m. of the 23d, as the weather did not improve, a lifeboat was launched from the *Springfield* and proceeded to the sinking vessel. The crew of seven men were finally successfully rescued under difficult circumstances, as it was expected that the *Thames* would founder at any moment, and the service rendered was considered a particularly meritorious one. Before launching the lifeboat an attempt was made to float a lifebuoy with message to the *Thames*, using Lyle gun.

The seven shipwrecked mariners who were landed at Ponta del Gada, Azores, were liberal and sincere in their praise and gratitude for the master and crew of the *Springfield*.

STEAMSHIP "WEST HARCUVAR"

Steamship *West Harcuvar* (freight). Master: Capt. L. F. McLain. While en route from European ports to Boston, this vessel rescued crew of four men from French schooner *Muguet* and brought them to Boston, where they were landed February 16, 1926. (See article in November issue of the Merchant Fleet News.)

STEAMSHIP "REPUBLIC"

Steamship *Republic* (passenger). Master: Capt. A. B. Randal. On October 26, 1920, this vessel rescued crew of U. S. Coast Guard patrol boat *134* during heavy weather, 7 miles, 31° from Nantucket Shoals, L. V. The master of the *Republic* maneuvered his vessel in a proper position and pumped overboard about 8 tons of fuel oil to make an oil slick to enable him to make the rescue, thus preventing the seas from breaking. The crew of Coast Guard patrol boat arrived aboard the *Republic* in a physically exhausted condition.

STEAMSHIP "M'KEESPORT"

The latest rescue made by a United States Shipping Board vessel was made by the steamship *McKeesport* on November 20, 1928.

[From Merchant Fleet News, January, 1929]

By Senator DUNCAN U. FLETCHER

The Merchant Fleet News of December, 1928, pages 6–10, gives instances of "American Valor on the Seven Seas," which deserves more than passing notice.

You do well to collect and perpetuate these occurrences and illustrations.

The record ought to be preserved in permanent form, so that examples like these of heroism on the high seas, in most difficult circumstances and under most trying conditions, may inspire all those who "go down to the sea in ships" to meet the supreme test.

These examples show forth not only the courage required, but the skill expected. The former is mainly inborn, the latter the result of proper training. Both are essential where disaster is confronted.

There is a brilliant record, showing seamanship of the highest order, demonstrating that courage and skill characterize American officers and seamen to-day as in the past. They guarantee to America the sea power we need if we but supply the ships. They give public confidence in efficient operation. They assure the traveler and the shipper that here in the officers and men their competency and their faithfulness is the strongest and surest guaranty of safety at sea.

When the ambulance call of the ocean lane flashes through the air the ship should be prepared to meet the demand, but in any case the highest courage, the ablest seamanship it is possible to command are summoned by humanity.

I must lift my hat to the brave radio operators, beginning with Jack Binns, when the *Republic* and the *Florida* were in collision some dozen years ago.

The operator on the *Titanic* in 1912 was of the right sort. I asked him why he did not take to the last lifeboat, and he said, "The captain ordered me to remain at my post, and I did so, going with the ship as she went down by the bow." The *Carpathia* had gotten his call, now the S O S, and Capt. Arthur Rostron's liner exhibited marked gallantry aboard in the rescue work. He is now Sir Arthur.

The operator on the *Vestris* gave an equally creditable demonstration of coolness and courage.

The record, however, aboard the *Vestris* generally is condemned by the figures:

"Loss of life: 27 women, 77 per cent; 21 children, 100 per cent.

"It is scarcely worth while to go further and add: Loss of passengers, 54 per cent; loss of crew, 12 per cent; total, 64 men."

The deeds, the achievements, which you recite, can not be excelled in the history of sea experience.

It is this standard we can hope to maintain among American officers and seamen.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 13455. An act to authorize the collection of penalties and fees for stock trespassing on Indian lands;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; and

H. R. 16248. An act for the relief of the Osage Tribe of Indians, and for other purposes.

CHANGE OF RULES—OPEN EXECUTIVE SESSIONS

Mr. JONES. Mr. President, I desire to call up a resolution that is on the table.

The VICE PRESIDENT. The Chair lays before the Senate the resolution (S. Res. 309) submitted by the Senator from Washington [Mr. JONES] on the 28th instant, proposing to amend Rule XXXVIII so as to provide for the consideration of certain nominations in open executive session. The question is on agreeing to the resolution.

Mr. BINGHAM. Mr. President, may we have the resolution read?

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 309), as follows:

Resolved, That Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, be, and the same is hereby, amended by adding an additional paragraph, as follows:

"7. Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration."

Mr. HARRISON. Mr. President, has there been any agreement with reference to sending the resolution to the Committee on Rules?

Mr. CURTIS. There is no such agreement. After the Senator from Washington shall have concluded his remarks, I intend to move that it shall be referred to that committee.

Mr. HARRISON. Will the Senator from Washington raise an objection to the resolution going to the Committee on Rules?

Mr. JONES. I will.

Mr. HARRISON. Very well.

Mr. JONES. Mr. President, I do not think it is necessary for me to discuss the resolution at length. I am rather inclined to think that every Senator has his convictions with reference to the matter.

Mr. HEFLIN. Mr. President, before the Senator from Washington begins his argument, I should like to suggest to him that I favor his proposed amendment to the rules, but I think there ought to be some plan adopted by which votes taken in secret executive session could by a majority vote be printed in the CONGRESSIONAL RECORD after the proceedings in secret session

had been concluded. I think that by a majority vote the roll call upon the confirmation of whatever the matter might be should be so published; either that or that each Senator might be permitted to state in open session how he had voted.

Mr. JONES. Mr. President, that is an entirely different matter from the proposition involved in my proposed amendment of the rule. It may very well be dealt with by a separate amendment or, of course, my proposal is subject to amendment, so far as that is concerned.

Mr. HEFLIN. The Senator from Washington proposes in his amendment that by a two-thirds vote in executive session the Senate may decide whether it shall proceed in open session or in secret session. What I am suggesting is if the Senate votes to remain in secret executive session, that after the discussion in secret session shall have been concluded and a vote had the Senate may then by a majority vote order the roll call printed in the RECORD.

Mr. JONES. That, of course, is a matter the Senate might consider.

Mr. President, the text of the rule as now framed has been discussed many times and different questions have arisen in regard to it. During my service in the Senate running over a good many years I do not think there has been any important nomination considered in executive session but what in effect after the debate was over the news got out, sometimes in a garbled form, oftentimes in a form that was decidedly unfair and unjust to some Senators and probably truthful with reference to others. It seems to me that that should be avoided.

It is true—and I think this is clear to everyone—that some Senators do not consider the rule as binding on them with reference to matters of this kind; especially they do not consider that paragraph 4 of Rule XXXVII is binding or to be observed by a Senator if he does not desire to do it. That paragraph reads as follows:

> 4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate and to punishment for contempt.

Mr. President, that paragraph has never been invoked; there has been no suggestion of invoking it, except that it has been read from time to time. There have been suggestions made that information which has been given out in a manner clearly contrary to the rules of the Senate has been given out by employees of the Senate. I want to say that, in my judgment, whatever information has gotten out has not gotten out through the employees of the Senate. I believe that the employees of the Senate who are present in the discharge of their duties in executive sessions have just as much regard for the rules of the Senate as has any Member of the Senate, and I do not believe that any employee has ever given out such information.

There has been considerable newspaper comment and comment among Senators with reference to a very recent occurrence in regard to this matter. I am satisfied that no employee of the Senate gave out information upon which were based the newspaper reports purporting to give a correct statement as to the vote of Senators upon a recent nomination. I do not know that any Senator has given out information—or, at least, direct information. I have heard of suggestions that newspaper men approached Senators and asked certain questions, apparently innocent in themselves, and probably from answers that may have been given they drew their conclusions.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Yes.

Mr. McKELLAR. Is not the crux of what the Senator desires to express simply to have the business of the public conducted in public? I want to say that I am heartily in favor of the Senator's position. I think that all public business, unless it shall be something very special, should be considered in the open, though I think it is proper to incorporate in the proposed amendment, as the Senator has done, the provision that a two-thirds majority may order a question to be considered in secret session. Of course, I can imagine a case where a question ought to be considered in secret session, but it ought to be done only when a majority of two-thirds of the Senate believes it should be done.

I entirely indorse the Senator's proposed amendment to the rules. I am in favor of conducting all of the public's business under the light of pitiless publicity. The time has long since passed when we should conduct the public's business secretly or privately.

Mr. JONES. Mr. President, in the last 20 years I do not remember a single nomination which has been considered in executive session where charges have been made or accusations have been submitted that such nomination could not just as well have been considered in open session as in executive session. I do not know of any nomination upon which I have voted that I would have had any hesitation whatever in having my vote made public; and I think that is true of other Senators. I can, of course, imagine cases where it is possible it would be far wiser to consider a question in executive session; but any such cases as that are exceptional and not the general rule, as I think has been demonstrated by the nominations which have been submitted to the Senate and acted upon by it.

It is largely in view of that situation and largely in view of the unfair criticisms and unfair suggestions which are made, and the unjust attitude in which Senators are often placed under the rule as it is now that I have been led to suggest this amendment to the rule.

Senators no doubt have read the provisions of the proposed amendment to the rule. I am merely going to call attention to them briefly.

Mr. HEFLIN. Mr. President, before the Senator does that let me make a suggestion to him. He has been here a long time and is a very fair man. What does the Senator think a Senator should tell a newspaper man when an executive session is over and when he is asked the direct question, "Did you vote for this man's confirmation or against it?"

Mr. JONES. I think, under the rules as we have them, he should say, "I can give you no information as to what took place in executive session." That has always been the rule I myself have followed, and I think that any other course is in violation of the rules. It is to avoid that very situation largely that I have presented this proposed change.

Mr. HEFLIN. Then, suppose the newspaper man should say, "Then, I take it that you voted for confirmation."

Mr. JONES. I should simply say to him, "I can give you no information as to what took place in the Senate in executive session." Of course, the newspaper men would probably draw all sorts of conclusions and probably very unfair and unjust conclusions, but, of course, we can not prevent them doing that.

Mr. HEFLIN. It may be that the information or misinformation which that newspaper man would give out would hurt that Senator with his people at home.

Mr. JONES. Certainly.

Mr. HEFLIN. And put him in a bad light.

Mr. JONES. Certainly.

Mr. HEFLIN. And might put him in just the opposite position to that which he took in the secret session.

Mr. JONES. It is to avoid those things that I am proposing this resolution to amend the rule, because, as I have said, when we have solemn rules which have been adopted by the Senate I take it that they are just as binding upon a Senator as is a legislative enactment, so long as they stand as the rules of the body of which he is a Member.

Mr. HEFLIN. I will ask the Senator another question. Suppose a Senator goes home and while discussing political issues somebody in his audience asks him how he voted on a certain question considered in executive session; what then does the Senator think should be the Senator's answer?

Mr. JONES. My answer would be, "I can not say, because I am bound by the rules of the body of which I am a Member, and so long as those rules are the rules of that body I feel that I have to observe them, no matter what the consequences may be to myself." It is to avoid that situation that I am proposing this amendment.

Mr. HEFLIN. I am in hearty agreement with the Senator, but I think that in a case such as that the people who send a man here to represent them are entitled to know what he is doing and what he is saying and how he is voting. They are the sovereign power; they are the power that sends him here, and I think he has a right to tell them how he voted.

Mr. JONES. I do not think so under the rules as they now are.

Mr. NORRIS. Mr. President——

Mr. JONES. I yield to the Senator.

Mr. NORRIS. I should like to say to the Senator from Washington that I think he has put the proper construction on the rules, and, as he knows, the one that I have always put on them; I think he is right; but the amendment which he proposes to the rules will not relieve a Senator from the position in which he would place himself in the situation suggested by the Senator from Alabama. Under the proposed amendment proposed by the Senator from Washington to the rule, assuming that two-thirds of the Senate should vote to remain in secret session, then a Senator would be bound; he could not answer the question so as to give any information even in a situation such as that illustrated by the Senator from Alabama.

Mr. JONES. That is true.

Mr. NORRIS. While the rule as proposed to be amended by the Senator from Washington would be a great improvement,

yet, assuming that the Senator's construction and mine are right, it would close a Senator's mouth and prevent him telling either his constituents or anybody else how he voted in executive session when two-thirds of the Senators had decided that the session should be secret. When the Senator from Washington concludes, if I can get the floor, I propose to offer an amendment to his resolution that will meet the point suggested in the questions of the Senator from Alabama, which I think are very important.

Mr. BINGHAM. Mr. President——

Mr. JONES. Just a moment; I should like to say a few words further at this point. Personally I am in hearty accord with the views of the Senator from Nebraska. I can not imagine a case coming up in the Senate which should be considered in closed executive session. Personally I would be perfectly willing to have the people know all about the discussion and the votes. As a matter of fact, I think if the votes are to be made public, that it is far better also to have the discussion made public, because the mere publication of a vote may work a greater injustice to Senators than if the debate were made public.

I have framed my proposed amendment in the way it is because I have felt that the Senate probably would not be willing to go the whole length of making the proceedings on every nomination public. Personally, as I have said, I would be willing to have that done; I would be glad to have the rules amended in that way, and if such an amendment shall be proposed I shall vote for it so far as that is concerned; but I have proposed this amendment to the rules, as I have said, in the belief that it is as far as we can possibly hope to go, and there is very serious doubt whether or not we will be able to go even that far. I take it that it will take a two-thirds vote to adopt this resolution.

Mr. NORRIS. Oh, no, Mr. President; I beg to differ with the Senator as to that; it will not require a two-thirds vote to amend the rules.

Mr. JONES. It has been so ruled heretofore.

The VICE PRESIDENT. The Chair will state that there has been no ruling of that sort.

Mr. JONES. Very well; I am glad to have that statement from the Vice President, because this is a proposed amendment to the rules——

The VICE PRESIDENT. A majority vote only is required to amend the rules. A two-thirds vote is required to suspend the rules.

Mr. JONES. The matter of suspension is in the same paragraph as the matter of amendment, and I supposed the same ruling would apply; but I am glad to have the ruling of the Vice President. I think he is right. I have felt in the past that the ruling that required a two-thirds vote even to suspend the rules was not in accordance with the rules.

Mr. WALSH of Montana. Mr. President, I want to express my especial gratification at the parliamentary situation as indicated by the present occupant of the chair. I have been contending for that ruling for a long, long time, and I never before got any kind of encouragement for it.

Mr. JONES. I am glad to have that ruling myself.

Mr. BINGHAM. Mr. President——

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. In view of what the Senator has said about his desire to protect the right of a Senator who is falsely accused, as some Senators have been, of the way they voted in executive session on a nomination, why does not the Senator himself put into his amendment a provision that any Senator may tell his constituents in answer to a question how he voted, and explain his reasons if he chooses to do so? In other words, Mr. President, may we not have read the amendment that is to be offered by the Senator from Nebraska?

Mr. JONES. I should have no objection to that. As I said a while ago, I should have no objection to making public every vote on every nomination.

Mr. NORRIS. Mr. President, if the Senator from Washington will permit me, in answer to the suggestion of the Senator from Connecticut, I will send my amendment to the desk to be read for the information of the Senate, if the Senator desires me to do so.

Mr. JONES. I shall be glad to have the Senator have his proposal read.

Mr. NORRIS. I send to the desk an amendment that I propose to offer as soon as I can get the floor, to be added at the end of the proposed rule.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The CHIEF CLERK. It is proposed to add, at the end of the rule proposed by the Senator from Washington, the following:

All roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD.

Mr. BINGHAM. Mr. President, if the Senator will permit me, that is a very different proposal from the one the Senator from Washington has just stated he was willing to accept.

Mr. JONES. Yes; I am willing to vote for a rule that will provide for having all nominations considered in open executive session, so far as I am personally concerned.

Mr. FLETCHER. Mr. President, I understand that the proposal is limited to open executive sessions with respect to nominations. It has nothing to do with executive sessions for the purpose of considering treaties?

Mr. JONES. No.

Mr. FLETCHER. I think myself that we might very well comply with this suggestion as to all nominations. I do think there is some real need at this time for considering treaties in executive session.

Mr. JONES. I agree with the Senator on that.

Mr. FLETCHER. That is not disturbed by this amendment?

Mr. JONES. No. I was going to say just a word about the terms of this proposal.

This proposal practically reverses the rule as it has been construed and as it has been applied. At present we are required to go into executive session on all nominations. Under the rule as proposed, hereafter nominations shall be considered in open executive session.

In order to consider a nomination in open executive session now it must be so decreed by a two-thirds vote of the Senate, and that is really what led me to put the two-thirds provision in this proposal, which is as follows:

Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall, by a two-thirds vote, determine that any particular nomination shall be considered in closed executive session—

In other words, I have simply reversed the rule as it applies to the Senate to-day. That is the reason why I put in the two-thirds provision. Now, before we can have a nomination considered in open executive session, we must have a two-thirds vote. As this rule proposes that all nominations shall be considered in open executive session, I would have them considered in open executive session unless otherwise ordered upon a two-thirds vote, according to this rule.

And in that case paragraph 2 of this rule—

That is, the other paragraph relating to these nominations—

shall apply to such nomination and its consideration.

Mr. President, I think this is all I care to say in regard to the matter.

Mr. SHORTRIDGE. Mr. President, the Senator has just made reference to paragraph 2 of the rule. What becomes of that paragraph?

Mr. JONES. Paragraph 2 is suspended so long as the Senate considers these nominations in open session; but if the Senate, by a two-thirds vote, shall decide to consider a nomination in closed session, then the provisions of paragraph 2 apply.

Mr. WALSH of Montana. Mr. President——

Mr. JONES. I yield to the Senator from Montana.

Mr. WALSH of Montana. I had in mind the same matter which apparently was in the mind of the Senator from California [Mr. SHORTRIDGE]. I think there would be some incongruity in adopting the rule just as suggested by the Senator from Washington. You have paragraph 2:

All information communicated or remarks made—

And so forth, and so forth—the same rule. Then:

Hereafter nominations shall be considered in open executive session unless the Senate—

These would seem to be altogether incongruous. I suggest to the Senator that the more appropriate way to do it would be to provide:

That paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, be, and the same is hereby, amended so as to read as follows:

Then follow with your proposal:

Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration.

Instead of "and in that case," have it read:

When nominations are so considered in executive session, all information communicated—

And so forth, just as in paragraph 2. In other words, amend paragraph 2 so that it will be introduced by the Senator's language, and then have the provision in regard to going into closed executive session.

Mr. JONES. I can not see, myself, where that makes any difference at all. Of course the language of my provision merely suspends paragraph 2 so long as nominations are considered in open session; but if the Senate, by the necessary vote, decides to consider them in closed session, then paragraph 2 does apply. I should have no objection to framing the amendment along the lines suggested by the Senator from Montana, because I think his suggestion means exactly the same thing as mine.

Mr. WALSH of Montana. Of course I intended that it should.

Mr. JONES. Yes.

Mr. WALSH of Montana. It simply seemed to me to be incongruous to say that all information shall be held secret and then say that nominations shall be considered in closed session.

Mr. JONES. But this becomes a paragraph in the same rule.

Mr. WALSH of Montana. You have paragraph 2 and then paragraph 7 relating to the same thing.

Mr. JONES. Yes; but paragraph 7, of course, is adopted after paragraph 2, and of course is intended to do away with paragraph 2, but only so long as these nominations are considered in open session. I did that more particularly because I desired to have the paragraph a short one; and, as I said, I think the meaning, the application, is exactly the same as in the case of the amendment proposed by the Senator from Montana.

Mr. BAYARD. Mr. President——

Mr. JONES. I yield to the Senator from Delaware.

Mr. BAYARD. Following the suggestion of the Senator from Montana, which I think is a most wise one, let me make this suggestion to the Senator from Washington:

Paragraph 2 as it stands reads as follows:

All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof—

And so forth. Now the Senator is going to add certain language to that. Section 7 of the proposed rule reads as follows:

Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration.

The point that I want to bring before the Senator and the rest of my colleagues is this: If we go into executive session—and we shall, under the Senator's rule—for the purpose of determining whether or not we shall go into open session, in the executive session comments may be made upon the appointee of the President not very laudatory of that appointee. If we go back again into open executive session, the wording of the Senator's proposed paragraph 7 would authorize every Member of the Senate who was present to comment upon and repeat what was said in closed executive session. I can not escape that conclusion.

Mr. JONES. Why, yes; that is true.

Mr. BAYARD. I do not think the Senator means to do that.

Mr. JONES. I can see no harm that would result from that.

Mr. BAYARD. Oh, yes; there might be harm.

Mr. JONES. Not at all.

Mr. BAYARD. For this reason, Mr. President: Mr. A may be nominated for thus and such an office. The matter may be taken up in executive session to determine whether or no we should go into open session; and during that executive session many things may be said derogatory to the character of Mr. A. Then the Senate determines to go back into open session——

Mr. JONES. But it takes a two-thirds vote to do that.

Mr. BAYARD. And the person who made these derogatory remarks may not feel justified or warranted in saying in open session what he said in closed session. Nevertheless his colleagues have the right, under the proposed rule as suggested by the Senator from Washington, to talk about those things derogatory to the nominee here, there, and everywhere.

Mr. JONES. Why, certainly, Mr. President. If the Senate now should by a two-thirds vote, after discussion, decide to hold an open executive session on a nomination, there is nothing to prevent a Senator from repeating or referring to everything that was said in the executive session. So I can see no harm coming from a discussion in executive session if it is decided by a two-thirds vote to consider such nomination in open session.

Mr. BAYARD. Then, Mr. President, it seems to me the Senator should strike out all of paragraph 2, and follow the method suggested by the Senator from Montana, and substitute his proposed paragraph 7 for paragraph 2, because as long as we have the two upon our rule book, if they get there, we are going to have a definition of secrecy under paragraph 2, and a definition of our powers of divulging that secrecy merely because we happen to change from closed to open session. We can not escape it.

Mr. JONES. Mr. President, I do not understand that the proposal of the Senator from Montana is to do away with paragraph 2 at all.

Mr. BAYARD. It is to substitute and amend paragraph 2; but the Senator from Washington proposes to leave it there on the rule book.

Mr. JONES. The effect, as I take it, is exactly the same. If a nomination is considered in closed executive session under the rule as amended, then nothing can be given out; but if it is not considered in closed executive session, if it is considered in open executive session, even though this may be put back under paragraph 2, it can all be given out just the same.

Mr. BAYARD. Oh, no! May I say this to the Senator——

Mr. JONES. I may be very dull intellectually, but I can not see any substantial difference between what I have put in and what the Senator from Montana suggests.

Mr. BAYARD. Let me state this case to the Senator then:

Mr. A is nominated. The question arises, assuming that the Senator's rule is adopted, whether we shall consider his nomination in open or closed session. We go into closed session for the purpose of determining that question; and during the closed session remarks may be made about Mr. A, the nominee, which are distinctly derogatory to Mr. A. They are made in closed executive session by reason of the fact that the Senator who makes them does not care to make them in the open session. After the question is decided we go back again into open executive session, and then we release the seal of secrecy upon all the Senators who have heard that, and they can quote Senator A, Senator B, or Senator C in regard to this nominee, and he is powerless. It may be he was making his remarks on information and belief, without any definite foundation for them.

Mr. JONES. That would be exactly the same if the rule were amended in accordance with the suggestion of the Senator from Montana.

Mr. BAYARD. Does the Senator want to do that?

Mr. JONES. I say that if a vote is taken after discussion, the man who makes the charges knows that unless two-thirds of the Senate vote to consider the matter in executive session, it will be public. I see nothing wrong about that. I see no harm to come from that. As I said a while ago, I would be perfectly willing to have a rule that would provide for the consideration of nominations, without any qualification, in open executive session, as far as I am personally concerned.

Mr. BAYARD. Then I say to the Senator, that if section 2 of the rule have section 7 added to it, as he proposes it now, he will open the very breach which he is now trying to close.

Mr. JONES. I think the Senator is mistaken in that.

Mr. CURTIS. Will the Senator yield to me to enter a motion to refer the resolution to the Committee on Rules, so that the motion may be pending? I want to leave the Chamber.

Mr. JONES. I have no objection to that, so that the motion may be pending.

Mr. CURTIS. Let the motion be entered, to refer the matter to the Committee on Rules.

Mr. JONES. That will not cut off debate?

Mr. CURTIS. No.

Mr. NORRIS. I do not want to have the opportunity for amendment cut off.

Mr. CURTIS. I do not intend that it shall be.

Mr. NORRIS. If an amendment is offered, and there is a motion pending to refer——

Mr. CURTIS. I withdraw the motion.

Mr. NORRIS. I think the Senator would better withdraw it. The Senator, I think, will have an opportunity to make the motion later.

Mr. JONES. Mr. President, I think every Senator understands this proposition, and, so far as I am concerned, I am perfectly willing to allow the matter to come to a vote.

Mr. NORRIS obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me to ask the Senator from Washington a question?

Mr. NORRIS. I yield to the Senator.

Mr. BARKLEY. I observe it is provided in the resolution that in order that a particular nomination shall be considered in secrecy, the Senate must go into executive session to decide that question. Why should not the question be decided in open session, as well as action on the nomination itself?

Mr. JONES. Because if we are going to have a rule like this, then the reasons for holding open executive session could very consistently, it seems to me, be presented in closed executive session, so that if the Senate should decide that a particular case then before it should be considered in closed executive session none of the matters against the nominee would be entitled to publicity.

Mr. BARKLEY. Is there anything sacred about a nominee whose name has been sent in by the President that should entitle him to have his qualifications shrouded in secrecy any more than a man who asks the people to elect him to some office?

Mr. JONES. The Senator knows that I have said that personally I would be in favor of considering all nominations in open executive session.

Mr. BARKLEY. That is my position precisely.

Mr. JONES. But the Senator knows what apparently is the sentiment of the Senate, or, at least, what it has been indicated to be by votes in the past. If I am sure I can not get all that personally I would be in favor of, I am willing to go as far as I can toward my object, and I have presented this matter in this way because I felt that this probably would be as far as we could possibly go, and I have my doubt about the Senate even going this far. But I have felt that this is as far as we could possibly hope to have the Senate go and that this is much better than the existing rule. Probably after we have proceeded a while under a rule like this we can get the Senate to go the whole length and consider all nominations in open session.

Mr. NORRIS. Mr. President, I desire at this time to offer an amendment. I move to add at the end of the proposed rule the following:

> All roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD.

If that amendment is agreed to, to a great extent it will obviate the difficulty suggested by the Senator from Kentucky.

Before I get to the proposed amendment, however, I want to discuss briefly the general proposition involved in the proposed change. I think we ought to consider all public business in the open. If I had my way about it, I would go a good deal further than is proposed by this resolution. I agree with the Senator from Kentucky. However, other Senators do not agree with us, and we have to respect their judgment and their opinion. A majority of the Senators are perhaps in disagreement with those of us who believe as we do. So we must take things as they are, and not as we would like to have them, and get out of it what we can, if anything, that will help to solve this difficulty that arises continually, and has been very much discussed recently throughout the entire country in connection with the nomination of Mr. West, which was recently considered in closed session.

First, I want to call the attention of the Senate to an injustice under our present system which applies to Senators who, in absolute good faith, want to obey the rule. It is true that Senators do not agree on the construction of the rule to which I am going to call attention, but those of us who believe one way are under a handicap which does not apply to Senators who have a different idea as to the construction of the rule.

There is a very sharp line of demarcation as to the construction of a certain sentence in paragraph 2 of Rule XXXVIII. All Senators realize that. I am going to read a part of this paragraph, enough to call attention to the particular language I want to consider. Commencing with paragraph 2, the rule reads as follows:

> All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

The particular part of that rule to which I want to call the attention of the Senate is the last clause, "also all votes upon any nomination, shall be kept secret."

As I construe that rule, and as it is construed by the Senator from Washington and a great many other Senators, it would prevent a Senator from telling how he himself voted on any particular nomination. It is true other Senators claim that there is nothing in the language which would prevent a Senator from telling how he voted, and those who believe that way can conscientiously tell the public how they did vote on any nomination. But a man who wants to obey the rules, who wants to be obedient to the law of the Senate, and does not believe that that construction is right, is handicapped. If he puts upon that language the construction which it seems to me must be placed upon it, he can not make public how he voted. If we put that construction on it, that one can tell how he voted, it would simply in effect vitiate the entire paragraph, because it would not be a difficult thing to ask every Senator how he voted, and thus find out just exactly what the vote was.

I want to call the attention of the Senate to an experience of my own. In a campaign in my State a few years ago a charge was openly made against me in a newspaper, and I think it was quoted in other newspapers, and the paper attempted to give my vote in executive session on a certain very important nomination; but they said I voted against a certain confirmation, when, as a matter of fact, I had voted for it.

Under those circumstances, being wrongfully accused in the public press on a very important vote had in the Senate of the United States, what was my remedy? I felt that under the rule I had no right to tell how I voted and I suffered in silence, and never made any reference to the charge that was being made. Yet that charge was one that any citizen had a right to make. Action on that nomination was a part of my official work as the representative of my people. It seems to me they had a right to know how I stood on that question, the same as they would have a right to know how I stood on a tariff question, or a taxation question, or any other question that could possibly come before the Senate in its legislative capacity.

Other Senators would have taken a different course and would have denied the charge, and perhaps they would have been right. But I never felt that that was the proper construction of the rule, and in applying it to myself, it seemed to me that I had either to suffer personal injury or I had to violate a rule of the Senate.

Mr. President, nobody wants to violate the rules of the Senate. When a Senator takes an obligation to obey the rules of the Senate, he wants to obey them; and nothing short of a revolutionary spirit could induce a Senator to violate them. The right of revolution I concede is a sacred right, which exists in the Senate the same as everywhere else; and I have long contemplated whether those of us who feel as I do on this subject would not be justified in a parliamentary revolution, as some Senators have before stated that they would under no circumstances be bound to secrecy in a matter which affected their own official acts, when their action was questioned by those whom they represented.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER (Mr. STEPHENS in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. BLACK. If the Senate has the constitutional right to impose secrecy in the cases where the rule does impose a ban of secrecy, would it not also have the constitutional right to pass on legislation in secret?

Mr. NORRIS. I am inclined to think so.

Mr. WALSH of Montana. Mr. President, I supposed it was very well understood that for a long time the proceedings of the Senate were conducted in secrecy.

Mr. BLACK. That is correct. The question I wanted to ask the Senator from Nebraska was, whether it is prohibited by any constitutional provision or not, if it is not contrary to the spirit of American democracy, and to the spirit of the formation and evolution of our legal and legislative system, to have our legislative proceedings behind closed doors?

Mr. NORRIS. Yes; I agree with the Senator, and I have often said that it is contrary to the fundamental principle underlying every democracy. I can conceive, however, that there may come times when secrecy would be necessary, particularly, perhaps, when we were at war, when the giving of publicity to some important matter might enable the enemy of our country to secure an advantage. Under those circumstances, perhaps, the very preservation of our own Government might call upon us to transact some business in secret.

I could call the Senator's attention to a bill that we passed during the late war. While we had to act in public, the committee of which I happened to be a member met in executive session on Sunday. There was one reason why we did so. It was said by those governmental officials who proposed the action to us that if what we had in view became publicly known it would be very injurious to one of our allies in the World War. I remember that the work of that committee was kept secret, and we had to do it to prevent some objections being made on the floor of the Senate by Senators who would have done it with perfect innocence, because they did not know what the difficulty was. We had to tell them privately and quite a number of Senators were

quieted, and the matter received practically no attention when we passed the bill in public session.

Such situations might arise. It is very seldom that they do arise. I can not recall now a single nomination since I have been a Member of the Senate that, as I look back over it, ought to have been considered in secret executive session. There may have been some, but I do not recall any; I do not think of any now. In the case of Mr. West the evidence was taken in public. It was printed as a public document subject to circulation through the mails under the frank of a Senator or Member of the House. It was as public as the CONGRESSIONAL RECORD. The evidence was all taken in public, but when we came to pass upon the evidence taken in public we went into secret executive session and acted in secret session, and none of the votes in that session were made public.

Senators may say that in that case there was not much importance attached to it, and for argument's sake I might admit it, although I think that it was of great importance. Senators disagreed on the point as to how much public importance was attached to that action of the Senate. I thought, and some other Senators thought, and people outside of the Senate agreed with us, that we were taking an action as important as any public action that we had taken during this session of Congress. Whether we are agreed with or not, there are thousands of honest, patriotic citizens who believe that, and yet the action was taken behind closed doors. I think it could be very well compared with any of the votes we have taken on any bill. Senators know there would be an outcry in the country if we undertook to pass any general legislation behind closed doors.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. I yield.

Mr. BINGHAM. I thank the Senator. The Senator referred to the fact that committee meetings on nominations were held in public and the proceedings were published. I am a member of two committees that have to pass, one of them very frequently and the other at less frequent intervals, on nominations. It has never been the practice of either of those committees, with one exception, to hold in public its hearings in regard to nominations. It has occurred to me several times to wonder why it was that committees which were considering nominations which must be considered by the Senate in secret executive session, unless the rule were altered, should hold their hearings on those nominations in public and publish the record as spread before them on the qualifications or disqualifications of candidates. Can the Senator enlighten us on that point?

Mr. NORRIS. I will say to the Senator that if we follow out the theory of secret sessions, then I think he is entirely right. If we are going to vote in secret we ought to take the evidence in secret. But as a matter of practice, while we do both ways, as a rule the evidence is taken in public.

Now let us take the Judiciary Committee.

Mr. JONES. Mr. President, will the Senator yield just at that point?

Mr. NORRIS. Very well; I yield.

Mr. JONES. I have thought about that question many times. The sessions or meetings of the committee which we have held were executive sessions to hear testimony or otherwise. I believe that under the rule we are violating the rule whenever a committee takes testimony and makes it public under such circumstances.

Mr. SHORTRIDGE. Mr. President, if the Senator will yield just for a moment——

Mr. NORRIS. I yield to the Senator from California.

Mr. SHORTRIDGE. If I understood the junior Senator from Alabama [Mr. BLACK] correctly, he said that the spirit of democracy was to have all public business conducted in public.

Mr. BLACK. It is contrary to the spirit of democracy to do otherwise.

Mr. SHORTRIDGE. I suppose the Senator will agree with me that Washington and Franklin believed in the true spirit of democracy?

Mr. BLACK. I will agree with the Senator to that extent, and further state that I agree with Mr. Jefferson in his criticism as to holding the Constitutional Convention in secret.

Mr. SHORTRIDGE. I was about to observe that if the theory of the distinguished Senator from Alabama and the immortal Jefferson had been followed, we never would have had a Constitution of the United States, and, permit me to add, my opinion is supported by a great many and deeper thinkers than I am. If the debates, sometimes acrimonious, of that historic convention had been carried on in the open, we never would have had a Constitution. If the theory of Jefferson and the scholarly Senator from Alabama had been adopted, the attempt to "form a more perfect Union" would have ended in failure.

Mr. NORRIS. Mr. President, I do not wish to yield for a discussion between two other Senators. I realize I will never get anywhere with my comments if I practically yield the floor for other Senators to engage in a debate. I will answer any question submitted to me if I can.

Mr. SHORTRIDGE. I wish merely to dissent from the view of the junior Senator from Alabama and to hold as I have indicated.

Mr. BLACK. Mr. President, may I make just one brief statement in that connection?

Mr. NORRIS. I yield.

Mr. BLACK. I want to add to what the Senator has said that one of the chief arguments used against the adoption of the Constitution, and used very successfully in many States and that affected many minds, was the fact that the sessions were held behind closed doors.

Mr. NORRIS. Mr. President, it would not change my mind if some one quoted George Washington to the effect that he had said he was in favor of doing public business behind closed doors. Probably if I had lived in the days of Washington, I might have agreed with him. But I have such great respect for our forefathers that it seems to me the way we can honor them most is to try to progress and go a little bit further than they went, and to carry the torch of civilization a little bit further into the wilderness than our forefathers carried it. I hope when I am gone that those who follow me will not stop where I do but will carry on. I am firmly of the opinion that if, at the beginning of this Goverment, the Senate and the House had commenced to transact public business behind closed doors, we would not be here to-day, at least representing the same Government that we are now trying our best to represent. I do not believe that a democracy can permanently stand when its public business is transacted in secret.

Mr. HEFLIN. Mr. President, may I interrupt the Senator?

Mr. NORRIS. I yield.

Mr. HEFLIN. I merely wish to suggest to the Senator from California that he might quote another President of the United States who said he believed in open covenants openly arrived at.

Mr. SHORTRIDGE. But they never were arrived at. The trouble was they never reached the point of arrival.

Mr. NORRIS. The fact that they were not arrived at does not, in my judgment, do away with the justice of the proposition that we should have open covenants and arrive at them openly.

Mr. BARKLEY. Mr. President, if I may add a word——

Mr. NORRIS. In just a moment. We never do attain the ideal that we have in our minds, and we will probably satisfy our own consciences if we come as near to it as we can. I yield now to the Senator from Kentucky.

Mr. BARKLEY. Open covenants openly arrived at may not have been arrived at in the days of Mr. Wilson, but they have been more recently arrived at, and openly.

Mr. NORRIS. I hope the time will come when all covenants will be open, and all arrived at openly.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Certainly.

Mr. BINGHAM. Is the Senator in favor of the resolution submitted by the Senator from Washington?

Mr. NORRIS. I am going to vote for it. I would rather have it entirely open than the way he has it, but I think the resolution proposed by the Senator from Washington is a very great improvement over the present procedure of the Senate.

Mr. BINGHAM. Mr. President, will the Senator permit another question?

Mr. NORRIS. Certainly.

Mr. BINGHAM. The Senator is eminently fair-minded and always desires to do what is right and what is fair to any individual, as everyone knows. Does it occur to the Senator that the proposed rule, if put into operation, may place a stigma on an innocent man when thousands and thousands of people are confirmed in the open and suddenly some day one man is singled out to have his nomination considered in secret? At the present time thousands of postmasters throughout the country have their nominations considered in secret, and the nominations of thousands of officers of the Army and Navy are considered in secret. The rule is that everyone who is innocent shall have his nomination considered in secret, and only when the public business demands it does it come into the public before the Senate, when two-thirds of the Senators think it should be discussed in public. Does not the Senator feel that to single out one man and discuss his nomination in private is going to make it extremely difficult for that man?

Mr. NORRIS. I will tell the Senator how to avoid that. If he will come over, with his powerful influence in the Senate, to the weak group of men that I belong to and who thus far have been in the minority, and wield the wonderful power of his influence with us, we will not have such instances. We will consider all such cases in public, and hence there will be no stigma upon some man who may be singled out. We will not single out anybody if we can get the help of the Senator to carry on. There will be no stigma.

Mr. BINGHAM. The Senator said he is going to vote for the resolution.

Mr. NORRIS. Yes. I would rather vote for the resolution if it proposed to consider all of them in public, but because we have so many Senators with their great power and their eloquence and their ingenuity like the Senator from Connecticut, we have to take one bite at a time. I would rather have half a loaf than no bread at all.

Mr. JONES. Mr. President, may I suggest to the Senator that any man nominated could avoid that difficulty by expressing the desire to have his nomination considered in open executive session.

Mr. NORRIS. Yes; and his friends here in the Senate could avoid it by doing the same thing. But is a man nominated for office by the President entitled to any greater privilege than the man who is running for an elective office? Are we going to fill our appointive offices with men who would not get to first base if they had to go before the public?

Mr. BINGHAM. Mr. President, will the Senator yield again?

Mr. NORRIS. In just a moment I will yield. Are we going to say that men who could not go out before their constituents and in the eyes of the public and have the light of publicity turned upon their qualifications and their character in a contest before the people, shall be shielded from the same dangers, if we want to call them dangers, that every one of us and every other man running for an elective office from President down to road overseer must meet before the people?

I now yield to the Senator from Connecticut.

Mr. BINGHAM. Does the Senator mean to suggest that those who are running for an elective office had better be elected in the future by open ballot rather than by secret ballot as we have done in recent years?

Mr. NORRIS. Now, the Senator is going into another question. A secret ballot must be had. The Australian ballot, the secret ballot, is one that has been demanded by the advancing tide of civilization not for the protection of the candidate, as the Senator would indicate by his question, but to prevent men of power and influence and wealth from buying, with money and other promises, the citizenship of the United States. That is why we have the secret ballot.

The candidate has no protection on account of the secret ballot——

Mr. HEFLIN. Mr. President——

Mr. NORRIS. Just a moment—but he must go out before the people and fight his battle in the open. If, however, he is appointed to an office, perhaps ten times more important, then his nomination is considered behind closed doors. A man may run—I have in mind several such instances—for United States Senator where he has to fight in the open; he may be repudiated by his people, condemned at the ballot box, defeated in the open contest before the people, and then be appointed to some office much better than the one he lost and that the people denied him, and his nomination be brought before the Senate, and be considered behind closed doors in executive session.

Why should not the people have the right to know what is said, what is done, what are his qualifications, and what are the votes when we vote on the confirmation, let us say, of an Attorney General or a Secretary of State, or a judge, just as the people would have the right to know if those officers were running before the people and had to go before them in open contest?

Now I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I suggest to the Senator from Nebraska that in the old days, before we had the Australian ballot system, we had the plain open ticket; the powers that be would marshal the voters in blocks of a hundred, make them hold up their tickets, and they would have a captain go with them to the polls and see that they deposited their ballots. It was for the good of government, both local and national, that that system was abolished and that the voter himself might retire to a polling booth, vote according to his judgment, fold his ballot, and put it in the box without anyone knowing how he voted; but we come from those people; we have been selected by them, and in this representative form of government we must give an account to them of our stewardship. If we hold a secret session in this body and discuss nominations and finally determine what we shall do, we owe it to those people and to the country to give the registered judgment of this body, and that is what we ought to do.

Mr. NORRIS. I think so.

Mr. GLENN. Mr. President——

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. GLENN. Does the Senator from Nebraska believe that the Supreme Court of the United States and similar courts throughout the Nation in considering their decisions should admit the public and that their discussions and deliberations should be carried on in the presence of the public?

Mr. NORRIS. No; I would not say that; nor would I say that a committee of the Senate when it undertakes to consider and thresh out amendments to a bill should hold its sessions openly, mainly because the ordinary procedure is necessary in order to arrive at proper conclusions and to give the proper consideration to a measure; but votes in the Senate ought to be published. I would not for a moment stand for the proposition that when the Supreme Court of the United States rendered an opinion they should not tell how many judges concurred and how many disagreed; that fact ought to be made public. When we have before us the nomination of a judge for the Supreme Court of the United States I think that ought to be considered openly; and I mean no disrespect to the judge; I am not thinking of him; I am thinking of the country at large.

Mr. WALSH of Massachusetts and Mr. BRUCE addressed the Chair.

Mr. NORRIS. I yield first to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. The Senator from Nebraska is of course aware of the fact that it was very seriously urged at one time that every justice of the Supreme Court of the United States should be obliged publicly to give his opinion upon every decision rendered by that court, and that suggestion came very near being adopted.

Mr. BRUCE. Mr. President——

Mr. NORRIS. I now yield to the Senator from Maryland.

Mr. BRUCE. I suggest to the Senator from Nebraska not to forget the fact that, of course, the deliberations of the Supreme Court judges are finally embodied in their conclusions which contain their reasoning and the authorities on which they act, as evidenced by published reports of their decisions.

Mr. NORRIS. Yes.

Mr. President, coming now to the amendment which I have offered to the resolution, let me say that it simply provides that all roll calls in executive session shall be published. Suppose a motion shall be made in executive session to consider a nomination in open executive session. That involves a controversy, and naturally there are two sides to it. There may be some reasons one way and some reasons another, but have not the people a right to know whether their Senators are for open executive sessions or for closed executive sessions on a particular matter? Then, suppose a vote is had and those who favor an open executive session are defeated, and that a motion is then made in executive session that the roll call by which the motion was defeated shall be published; is there any possible objection to that? And yet under our rules that can not be done, unless, as it has been decided, there is a two-thirds vote in executive session to publish it. Is there any reason why the people of my State should not know whether I voted for a closed session or an open session on any nomination? Can any man give any reason why such information should not be public? It has nothing to do with the character or qualifications of the man who is a candidate for office, but only has to do with letting the people know whether I stood for an open session or a closed session. That does not affect the argument for closed sessions; it does not affect the argument for open sessions; but merely whether the people shall know how their representatives voted on that question. If the people of a State want their Senators to vote for closed sessions and they agree with them and accept their commissions on that condition, then, of course, they would be for closed sessions, but should they be able to conceal that fact from their constituents or should they be able to say to them, "I will not tell you whether I am for an open session or a closed session"?

Mr. BINGHAM. Mr. President——

Mr. NORRIS. I yield to the Senator from Kentucky.

Mr. BINGHAM. I sympathize entirely with the position taken by the Senator, but why does he not offer an amendment to make it perfectly clear in the rules what some Senators already believe to be their right as a question of self-defense, that any Senator is permitted, whenever he feels so inclined, to state how he has voted and give the reasons therefor? Why does not the Senator suggest that kind of an amendment?

Mr. NORRIS. The Senator knows that I have; the Senator knows now, if he will remember what happened in executive

session, I have done exactly the thing that he proposes, and I take it that I had the powerful opposition of the Senator from Connecticut.

Mr. BINGHAM. No; Mr. President, I think the Senator did not understand me correctly. What I asked the Senator was why he did not propose an amendment to the rules which would permit an individual Senator to state what he did but not to tell what his neighbors did?

Mr. NORRIS. Mr. President, I have proposed, and there is now pending, an amendment to the resolution of the Senator from Washington that will go just a little further than that; that will publish the roll call in the RECORD, and let the country know not only how I voted but how every other Senator voted.

Now, let me say to the Senator—I tried to make that plain a while ago but evidently I have not done so—that the construction he places upon the rule differs from mine. I am not criticizing his judgment at all, except that I can not agree that a Senator now has the right to tell how he voted. I do not think he has, and, not believing I have that right, I do not believe I have a moral right to exercise it. The Senator thinks he has a right to tell how he voted. Let me show him just what the result of that would be. It would only be a roundabout way of accomplishing what my amendment seeks to accomplish directly. In other words, if every Senator could tell how he voted, then it would only be necessary for the newspaper man who wants to ascertain the facts to ask or have somebody else ask every Senator how he voted, and he would then have the roll call and would accomplish indirectly the publication of what the rule provides shall be a secret. So that, under the Senator's construction, the rule as it stands does not mean anything. The only thing I complain about it is that it means one thing to some Senators and a different thing to others. This amendment will change it. This amendment will put a record vote in the CONGRESSIONAL RECORD every time it occurs, and hence everybody will know how every Senator voted.

Mr. BINGHAM. Mr. President, will the Senator yield further?

Mr. NORRIS. Yes.

Mr. BINGHAM. But the Senator's amendment does not give to a Senator the right to explain his vote, does it?

Mr. NORRIS. No; there is nothing said about an explanation of a vote.

Mr. BINGHAM. It merely publishes the way he voted without his permission.

Mr. NORRIS. I should be glad to accept an amendment that, in addition to the roll call, there shall be put in the RECORD any explanation that any Senator may desire to make in regard to his vote. I should be glad to have that done. The Senator knows that we can not adopt that. I think the Senator is aware of the fact that that kind of an amendment would fail. I have no objection to it; I would be glad to let every Senator have a page of the CONGRESSIONAL RECORD every time we hold an executive session where a roll call is had to enable him to explain his vote, if the Senate desires to do that; but I anticipate that would not get the votes of one-fourth of the Senate membership. The question involved as to the roll calls is clear. Suppose we take a roll call as to whether we are going to consider a question in open or in secret session when a motion is made that we consider the question in open session. My amendment would bring about a statement in the CONGRESSIONAL RECORD of what the question was and of the motion made. The RECORD the next day would say "the Senate considered this nomination in open executive session; and upon motion, a roll call was had, with the following result." There you have it.

If some Senator should want to explain his vote, I would have no objection, though I do not think any Senator would want to do so. It would be known whether he was in favor of the particular question or whether he was against it—the roll call would show that—and that would be the final judgment; that would be the decree of a court supreme within its domain; and why the people should not know how the different members of the court voted is more than I can comprehend.

Mr. BINGHAM. Mr. President, before the Senator takes his seat will he yield to another question?

Mr. NORRIS. Yes, sir.

Mr. BINGHAM. With regard to the confirmation of a nominee for high office of an executive nature, is it not true that there might be a Senator so different, let me say, from the courageous Senator from Nebraska that he would not like to vote against that confirmation for fear that if the appointee were confirmed the day might come when some constituent of the Senator might desire him to secure a favor from that high official, and the high official might put his request to one side very quietly and without giving any reason, but in his heart knowing the reason was that the particular Senator had opposed him on the floor and had made it very disagreeable and difficult for his nomination to be confirmed? Is it not true that that is one of the reasons why our forefathers provided for secret sessions of the Senate—in order to protect a Senator who in his conscience desired to vote against the confirmation of a nominee, but feared that if he did so he and his constituents would be likely to suffer for it in the future?

Mr. NORRIS. Mr. President, the Senator has asked me a very proper question. I am glad he asked it, because it suggests a phase of this matter which I have not discussed, but which I should like to discuss.

In the first place, I do not know whether or not that was one of the reasons why these secret sessions were provided for. I never heard anybody suggest that it was; but, whether it was or not, I want to say that the condition the Senator has outlined might occur. Most of the Senators here are lawyers. The confirmation of a judge might come up. He might be a supreme judge, a circuit or a district judge. He might be a district judge in a Senator's own State; or some Senator as an attorney—and we have many of them here with national reputations—might have cases coming up in the Supreme Court, and it might be that a supreme judge might take some revenge on him in court. That is true. A circuit judge or a district judge might do it. A Cabinet officer might do it. That is all true. I frankly admit that that might happen.

Mr. BINGHAM. And is it not also true, even more than that, that the President might punish a Senator for voting against the President's wishes if the President knew that he had done so?

Mr. NORRIS. I will take that up in a moment. That is another suggestion that I want to discuss; but let me finish the other one first. That is a responsibility, Mr. President, that every Senator must assume.

There is not a State in this Union where, on important matters of legislation, the people are not divided—honestly, conscientiously divided. Take prohibition: We have a vote here on prohibition, and let us say that I vote against a prohibition law, and it is done in a secret session. We are going to have a secret session to protect me against the anger of my constituents, and so I vote secretly against prohibition; and if I voted openly the people in favor of prohibition might take revenge upon me if I were a candidate for reelection to the Senate. That is all true. There is not any question of any importance arising or that ever will arise before the Senate of which that is not true. We must assume those responsibilities, and the man who is not willing to assume them ought not to be here.

Mr. WALSH of Montana. Mr. President, the same thing might be said with respect to the election of judges all over the United States. My recollection is that in 40 of the 48 States the judges are elected. The members of the bar have to take the responsibility as citizens of voting either for one candidate for judge or for another candidate for judge; and I have never discovered that any of them was very fearful about expressing his choice as between rival candidates.

Mr. NORRIS. And yet it is true that the judge, if he wanted to be that kind of a man, could take all kinds of advantage of a lawyer. Everybody knows that.

Mr. WALSH of Montana. Why, of course. Nothing of the kind is to be assumed, however.

Mr. NORRIS. A man does not have to be a judge to do that. The point I want to make is that we ought not to try to shift responsibility. We ought not to try to hide our action for fear somebody will take revenge on us. That comes up in every Senator's campaign. He has done something here that somebody does not like, and the man goes after him for it. Would you have that vote in secret so that the other fellow could not find out what the Senator did?

Another thing—and again I thank the Senator from Connecticut for calling it to my attention—he said the President could take advantage of you if you did not vote as he desired. Again that is true; and he can do it now. Under our rules as they stand now he can do it. That is another thing that is unfair. While we conceal from the public our action here in executive sessions, we certify under the hand of our executive clerk to the President of the United States just what we do.

Let me read you a rule. It is Rule XXXIX:

> The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

Why, Mr. President, does anybody think for a moment that the President of the United States does not know within 24 hours—yea, within 24 minutes, if he wants to find it out—just

exactly how every Member of this body voted on any nomination that the President has sent here? And if the President is the kind of a man that wants to take revenge upon a Senator because he has not voted as the President wanted him to vote on a nomination, he can take that revenge now. If we have a President who is so narrow-minded, so unpatriotic, so far forgetful of his duty as that, I know of no way to remedy it by passing all the rules for secrecy that the ingenuity of man can invent; and how will he take revenge? By refusing to give the Senator his proper piece of political pie.

There are Senators who have lived for quite a while in this body who have not seen the political pie counter for years, who have never been admitted into the inclosure where the plum tree blossoms, and they get along pretty well. They are not kicking about anything that is happening. So if a President wants to do that, let him do it. You can not prevent it, either, if you adopt this rule or if you defeat it.

Mr. BLACK. Mr. President——

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BLACK. I call the Senator's attention to Rule XXXVI, which says:

> When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business he shall have a seat on the right of the Presiding Officer.

Mr. NORRIS. Exactly. I thank the Senator for that interruption. The President of the United States is entitled to walk into the Senate Chamber right now, if we are in secret session; and if he does, the Presiding Officer will have to move his chair over a little and put another one up there, so as to enable the President to sit where he can listen and see and hear everything that we do.

Mr. BINGHAM. Mr. President——

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. Would the Senator be in favor of having the discussion in public and the voting in secret, as is done in political campaigns?

May I say to the Senator, before he answers, that in my own State—where we are very proud of the record of our judiciary and believe it is second to none in the United States—we have protected our senators who ratify gubernatorial appointments by seeing to it that all votes on nominations which come from the governor shall be secret ballots, so that each senator may vote exactly according to his conscience, without the slightest fear of displeasing the governor in any particular, or of trying to secure his favorable notice by voting for one of his nominees.

Mr. NORRIS. The State of Connecticut, of course, has a perfect right to have that kind of a law and that kind of a rule. I am not finding fault with it. I should oppose it if I lived there, if I were a part of their government; but that makes no difference. They have a perfect right to it, and it is surprising that under that kind of a rule they have done so well—because they have done well. I pay my respects to the legislature and the judiciary of the State of Connecticut. I am not finding fault with them. In spite of that secret rule they are pretty good fellows, not because of it.

Why, if the Senator's argument is good and logical, it seems to me he ought to be standing up here in the Senate advocating the closing of these doors and the driving out of everybody from the galleries, and the exclusion of the representatives of the press, and the insistence that if secrecy is so good in a representative democracy we ought to have more of it, and do nothing else except what we do in secret.

Mr. BINGHAM. Mr. President, the Senator is not quite fair there.

Mr. NORRIS. I do not want to be unfair.

Mr. BINGHAM. I know the Senator does not.

Mr. NORRIS. The Senator can correct me if he desires.

Mr. BINGHAM. May I call to the Senator's attention the fact that in most organizations in this country, whether they be of a fraternal nature or of a social nature or even of a religious nature, the committee which has to deal with the personal qualifications of candidates, whether they be to join a church or to join a lodge or to join a club, always holds its meetings in secret, for the reason that, as we all know, human beings are very sensitive and do not like to have their idiosyncrasies discussed in public, and that when personalities are discussed a better result is secured if we do it behind closed doors, whereas when we are discussing great measures a better result is secured by discussing them in public.

Mr. NORRIS. Mr. President, the secret societies, even the churches and all lodges, consider those things in secret. I am not complaining about it. They have a perfect right to do it. If you are going to have a secret society, you must consider something in secret. I am a member, however, of several secret societies. I have had the honor to be the head in my State of one of the national secret societies, and its representative for four years in a sovereign grand lodge; and I have said behind the closed doors many a time that the beautiful lessons that are taught there I should like to see staged before the whole world. The teaching of fraternity, the teaching of brotherly love, even of patriotic spirit in those societies, results, I think, in a great deal of good; but they have a picked membership. In one respect they are churches. They have a certain line of duty that they are trying to perform for the upbuilding of civilization. They mark out a certain course that they are going to take, and they say, "We will not take everybody. We will not take the man in the gutter. Some other organization will." Maybe they are wrong in not doing it, but that is their business. They say, "The man must have a good moral character when we start with him. He must be so far along in civilization before we are going to take him up and try to make him even better." That is the fundamental principle underlying their organization, and they go on with their work in their way.

We, however, are not a secret organization. We are the representatives here of 120,000,000 people who compose this Government; and I think nobody will dispute the fact that our business—our legislative business, our official business—must be transacted in the eyes of the world.

When it comes to a nominee, often of no importance—most of them, if I had my way about it, I would not have here at all; I would not give the Senate the right to act on 90 per cent of them—some of them are extremely important. Some of them have to do with a national policy. Some of them have to do with human justice. Some of them have to do with foreign relations that may bring us into war, or may conduct us in a peaceful way through the trials and tribulations of foreign diplomacy. They are public questions; they are public policies; and when we select the men to carry them out we are acting for the people of the United States, and yet we are concealing from the people of the United States what we do and how we do it. It is their Government, and they ought to know. Very often the policy of the Government depends upon who is selected for these important places.

Mr. BINGHAM. Mr. President——

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator implied that one reason why the organizations to which he belongs, and others not secret, like the churches, discuss their candidates in committees behind closed doors, is because they are interested in the moral character of the candidates. Does the Senator mean to imply that the Senate, in the discharge of its duty in ratifying nominations sent here by the President, is not interested in the moral qualifications of the nominees?

Mr. NORRIS. No, sir; I do not intend to intimate anything of the kind.

Mr. HEFLIN. Mr. President, does not the Senator think that any man whose name is sent here by the President ought to be so clean and aboveboard that his moral character can be discussed in the open?

Mr. NORRIS. At least under a democratic form of government, for an important office, the President ought not to send the name of anybody here and no man ought to permit his name to come here if he is so immoral that he is afraid of the sunlight of publicity. If he does, and he is shown to be immoral or unfit or disqualified in any way, then, not only as to him but as to the public whom we represent, they ought to know all about him.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. FESS. My fear—and it is the basis of my support of the closed session—is founded on the inclination of the general public to listen to any charge against the good moral character of a man, and the ease with which a man's reputation can be blackened. It seems to me we are suffering just now from that tendency.

Mr. NORRIS. There is a great deal in what the Senator says, but in my judgment the secrecy of our sessions will not prevent that. I sympathize with the Senator in that idea. What he mentions often happens in public campaigns, and it is one of the regretable things that good men, able men, refuse to become candidates for public office because of that. That is to be regretted. I know of no way to remedy it. It is one of the things in democratic government that we must contend against, and, after all, we must abide by the result of the ballot box, whatever it may be. It sometimes drives out of public life men who ought to stay in public life for the good of the country and the good of humanity. That is true; but it is said that Benjamin Franklin, speaking about free speech and the free press—and I

can not quote him literally, of course—said that if we had free speech and a free press men would abuse it, and then in the next sentence he said, "I admit they will. I know of no way to stop it. They will abuse it. If we undertake to suppress it, we are going to bring on a bigger and a greater evil than the abuse that would take place under a free press and free speech, because it would ultimately happen that somebody would have to decide that this man's speech should be suppressed or that that paper should be suppressed, and ultimately it would mean that tyrants in control would suppress everything," as Mussolini does, and he said that he did not believe in that or agree with it.

Mr. FESS. It would be impossible to suppress free speech and a free press, and we would not agree to it.

Mr. NORRIS. Of course it would be impossible.

Mr. FESS. But the thing that impresses me is that a charge against the character of a man is always news, and that it is flashed from ocean to ocean, usually in big headlines, and some of the people who read it are willing to believe it; but, on the other hand, when the correction comes, that is not news.

Mr. NORRIS. That is true.

Mr. FESS. And the public will not even pay any attention to it.

Mr. WALSH of Montana. They do that even with respect to candidates for President of the United States.

Mr. FESS. I know they do.

Mr. NORRIS. They even do that with regard to Senators, not only when they are candidates, but when they are here, quietly and peacefully trying to do their duty.

Mr. FESS. That is true.

Mr. NORRIS. We can not help it. I would help it if I could, but I do not know any way out of it.

Mr. FESS. It seems to me that there is a greater freedom to make the investigation if we know that a person into whose character we are inquiring is not going to be attacked before the public unrighteously, although our purpose is entirely honorable. It seems to me we are putting too little value——

Mr. NORRIS. I hope the Senator will not interrupt further. I wanted to conclude some time ago, but each question always reminds me of something else. I want to say one word with regard to what the Senator from Ohio has said about the affliction that must come to everybody in public life, which is true. There is no escape from it. But, as a matter of practice, all of us know that it is very seldom, when the President sends a man's name here, especially for an important office, that his character is involved.

Mr. West's character was not involved when his name was sent to the Senate. Those who opposed his nomination had no personal animosity against the man. They would have been glad to support him for some other office than the one for which he was nominated, but they felt that a public policy was involved in naming him to head a particular department of our Government of very great importance. That is all that was involved in that. It was a public question, in no sense a private question, with regard to the man's private character or his morals.

Mr. HEFLIN. Mr. President, the amendment offered by the Senator from Nebraska would take care of the situation presented by the Senator from Ohio, and we might have a closed executive session under the amendment offered by the Senator from Washington, and whatever is said will be said in secret under that provision. But then the final vote is taken, when the matter is determined, it ought to be given to the public, it ought to be printed in the CONGRESSIONAL RECORD. Nothing that has occurred during the debate would be given out, but the bare roll call would be published. I submit to the Senate that no Senator worthy to be in this body should be ashamed or afraid to have his vote made public, to be given out in his own State, and to have it printed in the RECORD.

I can understand that a case might arise when we would prefer to discuss the matter behind closed doors. I can conceive a case where a man's enemies might "frame" him and seek to destroy him without any foundation. Then it would be better to discuss the matter and thrash it out in secret. But when Senators come to vote, after they have made up their minds and have finally decided the case, not deciding for themselves but deciding for this Government, deciding for the people who sent them here, why should not a bare roll call be given to the public?

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield.

Mr. BRUCE. Would it do the Senator much good to be able to tell the people in his State how he voted unless he was able to lay before them the facts on which his vote was based? I think that would make things worse.

Mr. HEFLIN. Not at all, because nearly every appointment of any consequence is discussed by the newspapers before it comes to us, or at least before we take it up for consideration, and usually when the Senate divides on one of these matters it is because of a public policy, as the Senator from Nebraska has suggested; it is because of a man's former position with regard to a certain industry and with regard to his sympathies for the public concerning that industry, where the public interest is on one side and the industry's interest is on the other, and we fear that the center of gravity in the man is on that side of the question instead of being on the side of the public.

A Senator does not have to be able to tell his constitutents why he voted against the man or why he voted for him. He would simply say, "I considered, after hearing all the testimony, that it was right and proper to confirm him, and I am responsible for my vote." That is what I am getting at. Let them hold each Senator accountable. Or let the Senator say, "I voted against the appointee because I believed his former environment had been such that his sympathies would be entirely on the side of certain interests antagonistic to the interest of the public."

Mr. President, the Supreme Court itself does not hold its meetings in the open when it writes its opinions. But the Supreme Court, in the trial of every case, involving the humblest citizen or the proudest in the land, sits in the open. Newspaper men can sit there, as they do. The public can go into the court room to hear a case tried, and it does.

It is all done in the open. When the judges retire to make up their opinions, they confer in secret, but they publish their opinions and give their votes. We know when there is a majority and a minority opinion, and we know how many judges voted for the one opinion and how many voted for the other. There is no secret about it. We know who they are.

What is the situation here, as brought to the attention of the Senator from Nebraska by my colleague [Mr. BLACK]? The man who represents the executive branch of the Government makes his appointment, and then, if he wants to, he comes and sits in this body and watches it, although we are in secret from the public, watches how each Senator votes, and hears what each Senator says, but that same Senator, sitting here representing a sovereign State, is denied the right to tell the people who sent him here how he voted. It is ridiculous, to my mind. It tears at the very vitals of open and free constitutional government. There is no excuse for it.

I am willing, as occasion arises, to have secret executive sessions for the discussion of particular cases. The Senate can judge that from time to time. But I see no reason on earth why, when I get ready to vote, my vote should not be recorded in the open, and printed in the CONGRESSIONAL RECORD, that my people may see how I vote, and that I may have the benefit of having them and everybody else in the country know how I vote.

There is no use trying to cover up the situation that exists here. There was a so-called farcical secret session not long since, and in the next day or two the whole thing was public, was printed in the newspapers, but Senators are still forbidden to tell anybody how they voted. If some one asks a Senator, "Did you vote that way or not?" he says, "I am not at liberty to tell you."

Mr. President, I hope the resolution offered by the Senator from Washington, as proposed to be amended by the Senator from Nebraska, will be adopted.

Mr. BRUCE. Mr. President, may I say that the situation is even worse than it is pictured by the Senator from Alabama, because this list of votes, bearing every evidence of authenticity, is given to the public, and nobody whose name appears on the list has any opportunity at all to give the reasons why he voted in the way he is reported to have voted.

Mr. HEFLIN. Mr. President, as the Senator has suggested, a newspaper comes out and gives a list of names, but a Senator is not at liberty to say what the truth is in the matter. He can not say whether the newspaper article correctly reported his vote. I reserve the right to tell the people of Alabama how I vote. I am not going to be misrepresented by somebody as to how I voted in this Chamber. I do not want to hide my vote. I never have. I want an opportunity to properly make known how I voted. I am not going to deny to the people who send me here the right to know how I vote on every question.

Let us settle this matter now, and if we want to have a closed session we can order it by a two-thirds vote.

Mr. BINGHAM. Mr. President, I think that the implication which has been made by some of the speakers—that anyone is afraid to have his vote known and therefore votes for a secret session—is unfortunate and uncalled for. At the same

time, I do think that when the fathers who preceded us provided for secret sessions they showed a broader knowledge of human nature than some of us are inclined to exhibit to-day.

Human nature has not changed a great deal since the earliest recorded history. The laws which were handed down on the twelve tables are still considered to be worthy of reverence and are necessary in a large part of the world to-day. Human nature has not changed a great deal.

When we come to the discussion of personalities, we are likely to offend, we are likely to be tempted to please. Those of us who are interested in the feelings of others are likely to be a little shy about speaking our minds frankly in public, not because we are afraid that we might be punished by the President of the United States or by any judge or by any Cabinet officer, but because we do not like to offend the feelings of the person whose name has been sent to us.

Once in a while we say things in a small group which we would be perfectly willing to say even if the person talked about were present, but there are very few of us who are willing to discuss our friends in public. It is not considered courteous or proper to discuss the private qualifications of a friend or an acquaintance in a public place. That has been for a long time considered to be an offense against good manners.

I take it that when this rule was adopted it was adopted with a view to protecting persons from being obliged to speak their minds frankly in public when they preferred to give their opinions in private to their colleagues who had the right and the duty to vote on the nomination of the individual, and who desired to learn everything about him, who desired to have him protected by not having everything said in public.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is H. R. 11526, the cruiser bill.

Mr. JONES. Mr. President, I ask that the resolution which we have been considering may lie on the table without prejudice.

Mr. CURTIS. Under the rule, I understand, it should go to the calendar.

Mr. HEFLIN. I wonder if we could not go on for half an hour with the consideration of the resolution.

Mr. CURTIS. I ask for the regular order.

Mr. BINGHAM. Mr. President, a parliamentary inquiry. I understand the resolution has gone to the calendar. Am I correct?

The PRESIDING OFFICER. The Chair understood the request to be that the resolution should lie on the table.

Mr. SMOOT. Oh, no; it should go to the calendar.

Mr. BINGHAM. The Senator is correct. It should go to the calendar.

Mr. NORRIS. Request was made for unanimous consent that it go over without prejudice, but I understand objection was made.

The PRESIDING OFFICER. The Senator from Nebraska is correct. The resolution will go to the calendar.

Mr. HEFLIN subsequently said: Mr. President, I should like to ask the Senator from Washington [Mr. JONES] what he thinks is the status of his resolution and when it will be up for consideration again and be pending before the Senate.

Mr. JONES. Mr. President, the resolution has gone to the calendar and I shall have to get it up the best way I can.

Mr. HEFLIN. The Senator can move to take it up.

Mr. JONES. I can, and I expect to do so at the first opportunity.

ROCK CREEK AND POTOMAC PARKWAY

Mr. SMOOT. Mr. President, from the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 5339) to enable the Rock Creek and Potomac Park Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project and I submit a report (No. 1580) thereon.

I will say that we can save about $100,000 for the Government if we adopt the plan outlined in the bill. It is a Senate bill, and I desire to have it passed so it can go to the House and be acted on there at the present session of Congress. Therefore, I ask unanimous consent for the immediate consideration of the bill. If it leads to any discussion I shall not press it.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the immediate consideration of Senate bill 5339. Is there objection?

Mr. McKELLAR. Let us have the bill read, and then I think we should have an explanation of it.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill.

Mr. McKELLAR. How is the land to be sold?

Mr. SMOOT. By the Parkway Commission.

Mr. NORRIS. Mr. President, I do not think we ought to pass a bill of this kind by unanimous consent.

Mr. SMOOT. Let me explain it.

Mr. NORRIS. It will take some time to find out about it, because it must be explained.

Mr. SMOOT. It will take only two or three minutes to explain it.

Mr. NORRIS. I think it had better go to the calendar.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. On objection, the bill will go to the calendar.

CHANGE OF REFERENCE

Mr. THOMAS of Oklahoma. Mr. President, a few days ago I introduced the bill (S. 5601) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma.

Following a rule which obtains in another body with which I am more familiar, I asked that the bill be referred to the Committee on Appropriations. The bill deals with a wholly local matter and proposes an appropriation from a tribal fund. I understand that in this body a bill of that character should go to the Committee on Indian Affairs. I therefore ask unanimous consent that the Committee on Appropriations may be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 26, 1929:

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

On January 29, 1929:

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.).

On January 30, 1929:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana;

S. 1633. An act for the relief of Edward A. Blair; and

S. 3327. An act for the relief of Robert B. Murphy.

On January 31, 1929:

S. 1364. An act for the relief of R. Wilson Selby; and

S. 3741. An act for the relief of S. L. Roberts.

UNITED STATES PROPERTY AT NEW YORK CITY

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair) laid before the Senate the following message from the President of the United States, which was read and ordered to lie on the table:

To the Senate:

In compliance with the request contained in Senate Concurrent Resolution 32, I return herewith S. J. Res. 171, entitled "Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway."

CALVIN COOLIDGE.

The WHITE HOUSE, *January 31, 1929.*

Mr. WAGNER submitted the following concurrent resolution (S. Con. Res. 34), which was read, considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and the Speaker of the House of Representatives in signing the enrolled joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway be rescinded, and that in the reenrollment of the said joint resolution the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the following language:

"at a point on Wall Street in the city of New York on the southern boundary of the property belonging to the United States and occupied wholly or partly by the Subtreasury Building, said point lying either at the southwest corner of the Subtreasury Building or in a southerly direction therefrom on a line in prolongation of the westerly wall of

the Subtreasury Building and extending thence northerly along the westerly wall of the Subtreasury Building, or along a line in prolongation thereof, beginning."

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. ROBINSON of Indiana. Mr. President, as bearing upon the pending cruiser bill, I ask to have printed in the RECORD an editorial appearing in the Fort Wayne News Sentinel of Wednesday, January 16, 1929, entitled "Sea Power, Maritime Law, and Cruiser Limitation," and on the same subject a poem entitled "For the Freedom of the Sea," written by Mr. Joseph P. O'Mahony, of Indiana.

There being no objection, the editorial and poem were ordered to be printed in the RECORD, as follows:

[From the Fort Wayne (Ind.) News Sentinel, January 16, 1929]

SEA POWER, MARITIME LAW, AND CRUISER LIMITATION

In December, 1915, when the famous triangular controversy with Great Britain and Germany over the rights of neutrals on the high seas was approaching its climax, President Wilson submitted a preparedness program to Congress calling for the construction of 156 naval vessels, to cost $686,000,000. It was the largest naval program that ever had been advanced by an American President. Immediately thereafter President Wilson departed on his tour of the West, with the purpose of rousing the country to the necessity for preparedness and thus bringing pressure upon Congress to enact his naval program.

At St. Louis on February 3, 1916, the President called for the construction by the United States of "incomparably the greatest navy in the world." This phrase was later changed in the official version of the speech to read "incomparably the most adequate navy in the world," but when the program was voted by Congress in August, 1916, little doubt remained as to its purpose. Execution of the program would enable the United States to challenge British naval supremacy and to reassert, with the backing of an "incomparable" sea force, the historic American claim to the "freedom of the seas." The possibility of war with Germany appears to have been omitted from the calculations of the General Board of the Navy at that time, for the 1916 building program was stopped when the United States entered the World War in association with the Allies, and American shipbuilding facilities were turned thereafter to the construction of entirely different types of vessels.

After the war, however, the 1916 program was resumed and the general board advocated such construction as might be necessary to give the United States "a navy equal to the most powerful maintained by any nation in the world." At the same time, it will be remembered, Winston Churchill was warning the British people: "Nothing must lead you to abandon that naval supremacy upon which the life of our country depends."

At the Washington Conference on Limitation of Armament in 1921 the United States proposed, and Great Britain accepted, the principle of "equality" or "parity" of strength between the sea forces of the two leading naval powers. It proved possible at that conference, however, to apply the principle only to "capital" ships and aircraft carriers. The United States had intended that it should be applied to all classes of naval vessels, but insuperable obstacles were encountered when it was sought to reach agreement upon limitations to be applied to the construction of submarines and cruisers. Great Britain, remembering her experiences of the World War, was ready to outlaw submarine warfare altogether, and in this she had the support of the United States. But France and Italy balked. As to cruiser strength, an agreement was signed that the individual ship should be limited to a maximum displacement of 10,000 gross tons and should be armed with guns not to exceed 8 inches in caliber; but no agreement was reached as to number of cruisers or total cruiser tonnage.

When the 3-power conference met at Geneva in 1927, with the United States, Great Britain, and Japan participating, the attention of the delegates was concentrated upon cruisers, since President Coolidge's earlier invitation to discuss cruiser parity had been rejected by France and Italy. When the British and American delegates sat down to discuss cruiser limitation it was inevitable that each side should consider the problem from the standpoint of its own war experience. Great Britain's preponderance in cruiser strength had enabled her to destroy the enemy's commerce, control the commerce of neutrals, and give protection to her own sea lanes for the transportation of munitions and food supplies. The United States, prior to its entrance into the war, had been compelled to submit to interferences with its neutral commerce which it deemed to be in violation of international law and which many of its leaders believed would not have occurred if it had possessed a fleet adequate to afford protection to its proper interests on the high seas.

In the condition of uncertainty surrounding international maritime law—holding out to each nation an invitation to interpret the law to suit its own requirements—it was natural that the delegates of Great Britain and the United States each should seek so to shape the proposed agreement as to leave its own nation the better circumstanced to assert and maintain its own conceptions of neutral and belligerent rights at sea in time of war. The delegates at Geneva were not authorized to discuss or define the purposes for which cruisers might be used in times of war, but were commissioned merely to negotiate agreements on "types and tonnages." The logical outcome of the position in which they found themselves was a deadlock—and a deadlock was not long in developing.

This made it apparent to President Coolidge that "no agreement can be reached which will be inconsistent with a considerable building program on our part." President Coolidge and President-elect Hoover are both said to regard the administration's building program as authorizing the absolute minimum of new vessels required for national defense. In his address accepting the Republican presidential nomination Mr. Hoover said: "We must and shall maintain our naval defense and our merchant marine in the strength and efficiency which will yield us at all times the primary assurance of liberty."

Since the days of antiquity rights at sea have been a fruitful source of controversy and a frequent cause of armed hostilities. In Plutarch's Lives it is related that Pericles "introduced a bill" providing that all Hellenes resident in Europe and Asia "should be invited to send deputies to a conference at Athens * * * to deliberate concerning the sea, that all might sail it fearlessly and keep the peace." The first important compilation of maritime law was the Consolato del Mar, published at Barcelona in 1494. Numerous attempts have since been made in international conferences and treaty agreements to establish the rights of neutrals and belligerents at sea in time of naval warfare, but the rights enjoyed by neutrals throughout the greater part of the world's history have been mainly limited to those conceded or enforced by the power that has happened at the outbreak of hostilities to find itself in control of the seas. For the present, until the other powers disarm, considerations of world peace demand that we build up to parity with Britain in cruiser strength.

FOR THE FREEDOM OF THE SEA

(Dedicated to the Members of the United States Senate and Congress who are standing loyally by the 15 cruiser bill and insist on the proper naval defense of the United States)

By Joseph P. O'Mahony

They shall not close the seas again
And bar "Old Glory's" way.
In peaceful commerce on the main,
Where freedom should hold sway,
They shall not make our standard "dip"
At their austere decree;
We'll match their challenge "ship for ship"
For the freedom of the sea.

If they love peace and seek good will
For every race and clime,
We've led the way—we're ready still
To reach that goal sublime.
We have the power, the means, the men,
To guard our legacy;
We did of old, and can again,
Force freedom of the sea.

But others, false to every trust,
Have trampled pacts of peace,
And gorged with conquest's greed and lust,
Their war drums never cease.
An empire's flag for pelf and gain,
Proclaimed that none were free
To use God's highways on the main
And sail the chainless sea.

They robbed the poor, the brave, the good,
And starved the weak and old,
To grab the soil and seize the food
In their mad rush for gold.
And thus they dragged in freemen's sons
To fight at their decree,
Because we lacked the ships and guns
To keep God's oceans free.

And now, our slogan rings once more
To let the wide world know
The standard that our fathers bore
Will quail before no foe.
We strive for peace, but honor's way
Our Nation's path must be,
And pressing on we stand for aye!
For the freedom of the sea.

INDIANAPOLIS, IND., *January 29, 1929.*

Mr. JOHNSON obtained the floor.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Simmons
Barkley	Frazier	McKellar	Smoot
Bayard	George	McMaster	Steiwer
Bingham	Gerry	McNary	Stephens
Black	Gillett	Mayfield	Swanson
Blaine	Glass	Moses	Thomas, Idaho
Blease	Glenn	Neely	Thomas, Okla.
Borah	Goff	Norbeck	Trammell
Bratton	Gould	Norris	Tydings
Brookhart	Greene	Nye	Tyson
Bruce	Hale	Oddie	Vandenberg
Burton	Harris	Overman	Wagner
Capper	Harrison	Pine	Walsh, Mass.
Caraway	Hastings	Ransdell	Walsh, Mont.
Copeland	Hawes	Reed, Mo.	Warren
Couzens	Hayden	Robinson, Ind.	Waterman
Curtis	Heflin	Sackett	Watson
Dale	Johnson	Schall	Wheeler
Dill	Jones	Sheppard	
Edwards	Kendrick	Shipstead	
Fess	Keyes	Shortridge	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent for the day.

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present. The Senator from California will proceed.

Mr. JOHNSON. Mr. President, it is my desire to indulge in some passing observations upon the pending cruiser bill. Coming from the territory from which I come, of course, I am in favor of the measure. Realizing as I do what the future may hold for that territory, I desire the bill in its present form, notwithstanding any edicts or commands that may be put upon this body, to be passed and to be passed so that we may enter upon the small and modest naval program that is ours.

Mr. President, as one practically of the first generation of the West that is now coming into its own, I have dreamed of the future of that territory. It has been no iridescent dream, sir, of what the years may hold for the Pacific coast. Three great States upon the Pacific Ocean, the frontier of occidental civilization, hold in their future a prosperity and greatness that can not be compared, in my opinion, with the prospects of any other part of the universe; three great States that the Creator has blessed with manifold advantages; three great States that mark an empire, an empire second to none in all the world!

Of the first generation, as I am, in one of those States, I have seen the marvelous advance and the marvelous progress that has been made there. I have seen from its small beginning the State from which I come grow to be now the fifth State in this Union in population. I have seen there one city which I used to visit when it had less than 12,000 people become the fourth city in the United States. I live upon a harbor incomparable either in its useful purposes or its beauty. From my porch I look out through the Golden Gate, and far beyond I can envisage another land and another people, a people that yet we know little of, and lands that in their productivity, in their resources, and their possibilities, we little understand. I realize—and it is, indeed, not as a prophet that I speak, but from the irrefutable logic of present events—that it will be only a brief period as the lives of nations are measured until the world's drama will be played upon the great Pacific Ocean.

I can recall the historic days, far, far past, when a little bit of the Ægean Sea represented the commerce of the world; how then it enlarged in the Mediterranean; then how the Hanseatic towns took their toll of commerce of the world then existing. The North Sea then came into its own, superseded by the Atlantic. The day is coming, sir—it is coming not in my lifetime but in the life, perhaps, of my grandchildren living to-day—the day is coming when the world's drama and the world's chief activity will be upon the Pacific Ocean. A thousand miles and more of coast have we in California; a like amount almost in the two States immediately north of us; harbors there unexcelled; and harbors there from which an ever-growing world commerce goes forth to-day over the Pacific Ocean and into lands that but recently have been explored by commerce.

The watchword of the present administration of the United States has been prosperity; the keystone of the incoming administration of the United States, if we may judge by what has been said and done thus far, will be prosperity and trade; and I take it that the recent voyage made by the newly elected President of the United States into South America was taken with one purpose, at least, and perhaps the dominant purpose, of increasing trade for the United States of America. Commerce we seek, not because alone it is the lifeblood of a nation, but because the productivity of this land of ours presses upon any barriers that we might seek to erect, and plunges through those barriers seeking outlet in the marts of the world, in commerce and in trade. Remember, sir, always the spirit of commerce, after all, is the spirit of conquest—peaceful conquest, if you desire to put it so, but it is conquest nevertheless.

To-day our imports and our exports exceed those of any other nation on the face of the earth. Our country is so situated, like a maritime island, that we more readily than any other nation may go into every continent, take there our goods, and return with those things that we require. Our economic productivity about equals that of all the nations of Europe west of Russia, on the one hand, and that of all the other parts of the world, upon the other. This colossal economic force expresses itself in overseas trade. Our external trade to-day is already as world-wide and as great as that of any other single country. Our exports are already over 20 per cent greater than those of any other one nation, and their production is claimed to support approximately one-tenth of our population.

Exports and imports exceeding in value $10,000,000,000 a year of necessity require shipping facilities. In turn those shipping facilities and this commerce in excess of $10,000,000,000 a year require naval power to safeguard them. The sequence of sea power is production, overseas trade, shipping, and then wisdom demands the support of naval power for protection. How blind are we to the story of the world if we do not afford that adequate protection! How little we understand the tale that all history tells to us! Commercial supremacy led to the domination of the sea from the days of Tyre through the eras of supremacy of the Greeks, the Romans, the Venetians, the Genoese, the Dutch, the French, and the English. In peace the conflict may be asserted to be economic, but economic success invariably brings envy and hostility. The nation striving for economic supremacy must be prepared to defend its position or yield its commercial preeminence.

We require ships to carry this commerce that is the lifeblood of our Nation, and a ship is to-day a rather delicate thing. A ship is not merely a ship, not merely a great floating wagon; a ship to-day is an emblem of sensitive sovereignty; and ships are required to carry our trade, and then power upon the ocean is demanded to protect that trade.

Remember the story that has gone down resounding through the centuries whenever trade supremacy has been challenged upon the sea. We recall that the Phœnicians, the Greeks, the Macedonians, and Carthaginians yielded alike to Rome, and yielded because of the sea power of Rome. Hannibal's campaign might have had a different termination had Hannibal and Carthage had the ships to carry their men over instead of having to make the long march that was necessary to come into Italy. The lack of ships saved Rome and defeated Hannibal. Then, as the years have gone by, successively we have seen the Venetians and the Genoese falling before the hardy seamen of the north; and Spain, with unrivaled riches and colonies, the Dutch with their thrift and their energy and their industry, France, magnificent in daring, each challenging the supremacy on the sea of Britain, and each at the end yielding to Britain's superior might and power.

The fall of Napoleon, the greatest of all commanders—indeed, as an administrator, in my opinion, second to none—was due to Britain's sea power; and Meredith said, and said truly, that the last great fight of Nelson "drove the smoke of Trafalgar to darken the blaze of Austerlitz." The last great war doubtless had its roots in trade rivalries and the desire for trade supremacy.

I recall these things but sketchily and hastily that if we have any vision in this body at all we may prepare for the days to come. Either, sir, yield what is now the fundamental principle of this Government in this material epoch, the idea of making money and increasing trade and commerce—yield it, or be prepared to protect that which is insisted upon and that which our ruling power has charted as the course of this great Republic. One or the other must result. We must be prepared to defend our dominance upon the sea in its carrying trade, in the commerce that we have upon the world's highway, or we must cease our efforts and yield the commercial supremacy we have won.

I do not favor this bill, sir, because Great Britain has built certain cruisers and will build more; I do not favor this bill, sir, in order that we may enter into competition with any nation on the face of the earth in building battleships or cruisers; I favor it, sir, because, as an American looking at the past and thinking of the future and what the future holds for us, it is obvious, except to the man with a mental strabismus, that we must be prepared to hold our own and protect that for which we are striving and for which this Nation has burst its bonds and gone upon the seas to seek. I prefer, sir, not

to suggest that this bill is a measure to do one thing or another thing to Britain; I prefer, sir, to put my advocacy solely upon the ground that America requires certain cruisers for American protection and, requiring those cruisers, demanding that protection, I would accord it in the small measure—too small, in my opinion—that is proposed.

They cry out at us, some of our brethren in this country, that we are entering into competition with nations abroad, and particularly Great Britain. Some say we build alone against Great Britain. Others assert that we make more possible war by building vessels of the sort that we seek under this bill to construct.

Where were these voices, sir; where were these gentlemen who cry out against 15 cruisers for the United States when Britain was building in the years following the disarmament conference in Washington, building in defiance of the spirit of the disarmament treaty the cruisers that she now has in greater number than we can hope to reach in a number of years to come? I did not hear the American voices then crying out that Britain was in a competitive race. I heard no hysterical women's organizations who now say to us here that we ought not to indulge in the construction of a single cruiser because we thereby are becoming militaristic, imperialistic, and inviting strife and war—I heard none of them then criticize Great Britain. I hear none of them now.

Where were all of these organizations—where the voices that have come to us in this Chamber against a program that is so modest, indeed, that the most pacific can indulge in it and consent to it—where were they a few years ago when Britain began her building program and began it under a labor government?

I do not take, sir, in very good temper the remarks that have come to us from some gentlemen abroad about the unfortunate thing that we are doing in building these cruisers. I read the other day the article appearing in the New York World, of Mr. Ramsay MacDonald. I thought as I read between the lines that possibly he was shedding tears at the awfulness of the course of the United States of America in building 15 cruisers under a very modest program, less than the program in existence of Great Britain. I recalled that five cruisers, built in defiance of the spirit of the Washington Conference on Limitation of Armaments, were built under this distinguished gentleman himself, representing the Labor Party of Great Britain; and while he may say that the forces within the Empire were so powerful as to drive him on to that objective, the fact that he did go on to that objective should have caused him to refrain from lecturing the United States of America in the building of 15 cruisers.

Let us go back and look for a moment upon the disarmament conference. Let us look for a moment upon the British program. It has been asked here, "Against whom do we build?" I answer, "Against nobody. We build for ourselves as we please for the protection of the United States of America." But who asked the question a few years ago, when Britain began to build these cruisers, "Against whom do you build?" And why should Americans ever be so delicate in their susceptibilities that they must criticize and cavil at the slightest effort on the part of their Nation to protect itself, and view always with equanimity and acquiescence any effort that is made by any other nation?

But there is, sir, running through all the efforts at naval limitation a perfectly obvious purpose on the part of Britain that marks itself in such a fashion as not only to justify the present naval program, but to justify a program far in excess of that.

You recall, of course, the disarmament conference, and what occurred. I do not intend to go into detail in respect to it; but, sir, to use a colloquialism, we were bamboozled in that conference. We went into it with the thrill that we always have and that is preached to our people and our children concerning altruism and the desire to prevent future wars. We went into it with the thought that we were going to reach a limitation of armaments upon the sea; and we believed, of course, with the peculiar credulity that attaches to American officialdom, that everybody else believed exactly as we believed. We went into it with a superiority so marked in great battleships that no other country on the face of the earth could hope to compete with it. We sacrificed that in which we were superior. We accepted a mathematical parity with Great Britain, and a ratio of 5 to 3 with Japan; and we left that conference in the high hope that forever we had prevented any further race in armament upon this earth.

In the last speech that was made by the president of the American delegation he used these words; mark them now, and then think of what has transpired since. As the conference adjourned, he spoke with his usual eloquence and ability, and he said:

> This treaty ends, absolutely ends, the race in competitive naval armaments.

And then there were salvos of applause; tears doubtless were shed, for had we not forever ended the race in competitive naval armaments?

After the applause had subsided, he continued:

> At the same time, it leaves the relative security of the great naval powers unimpaired.

Do you know, sir, whence came the first suggestion for the Limitation of Armaments Conference? It came, sir, from Great Britain. Great Britain was probably little interested in the size of our Army. She was much interested in the merchant service and the Navy, both of which it was important to the Empire to see reduced. Accordingly—and follow the sequence of events—in the spring of 1920 the First Lord of the Admiralty announced as a national policy that it would be content with a 1-power navy. The meaning of this was that in answer to Germany's growing naval power it had been the policy of Great Britain to maintain what it called a 2-power navy; that is to say, content to build equal to the combined navies of the two great naval powers. Now the German Navy was destroyed, and the American Navy was far outbuilding the English.

The announcement from the British Government in March, 1920, brought no immediate reply from Mr. Wilson. In the fall of 1920, when Parliament met, the First Lord of the Admiralty went a step farther. He announced that they hoped to get a call for a conference on the limitation of armaments from the United States of America; and in pursuance of that call, and the suggestion that emanated from Great Britain, our disarmament conference was held.

Sacrificing as we did $150,000,000, sacrificing as we did ships that were the peer of any that had ever been constructed before, sacrificing as we did our superiority upon the seas, then we expected that the ratio of 5–5–3 would be preserved, and that no nation would be more desirous of preserving that parity than Great Britain herself. Immediately afterwards, however, Great Britain begins feverishly to build her cruisers. Immediately thereafter Japan begins to build her cruisers. We stand mute and silent, surprised at first at the result of our generosity, and then shocked into a realization that our sacrifices had been in vain, and that the naval parity of 5–5–3 was a mere fraud, a delusion, and a snare.

The English thereafter started on their program; and solely because the book in question is one that has been cited by the distinguished chairman of the Foreign Relations Committee as an authority, while not admitting the authority, I read a bit from it in regard to the British position.

Kenworthy and Young, in the book that has just been published, called The Freedom of the Seas, thus set forth the result of the disarmament conference:

> The belief of the man in the street—

Say they—

> especially in America, was that the principle of parity had been established and that equal navies in all respects would be maintained as between Britain and America, with a smaller ratio for France and Japan. It had soon to be recognized that Great Britain would construe this treaty strictly and would observe its provisions rather than its principles. The British were prepared to accept parity in capital ships because competition with America was hopeless owing to the tremendous cost of these leviathans—£7,000,000 to £9,000,000 each. It was useless in the view of many British naval experts, including some high naval authorities, on the ground that the day of the great battleship was over. As to the submarines the British, whether of the new or old school, had no use for a weapon whose principal use was commerce destruction, and whose secondary use against surface warships threatened to put them out of business altogether. The British experts were, however, arguing to themselves thus:

This is Commander Kenworthy, of the British Parliament, writing:

> The battleship is too blown upon to be worth bothering about, and we can't compete in them on account of cost—let us therefore accept parity there. The submarine and airplane are new-fangled, noxious weapons that knock the bottom out of our strategy and tactics—let us prohibit them, or at least prevent their use as far as possible. But in cruisers we can compete. In that weapon we enjoy the accumulative expertize and experience of two centuries of sea supremacy. And our commerce and coast protection require that we should retain that supremacy.

By the grace of God—

Writes Kenworthy; far be it from me to reecho his words at all—

By the grace of God and President Harding, Britannia may still rule the waves. So when it came to cruisers the British representatives had insisted at Washington, with success, on no limit being placed to the number that could be built. The Americans consented, considering that parity was accepted in the primary weapon—battleships—and in principle; but they imposed limitation in size and gun power of cruisers.

There is the story of what happened, indeed, at the disarmament conference of 1921–22. Britain came, of course, with those sweet words with which we became familiar during the war. Oh, how I remember them as if they were yesterday, when the distinguished gentleman who came for the disarmament conference and led British diplomacy spoke to us from that platform beautiful language, soft and sweet, and how he talked to us during the war about what was to be done, and how that war was being fought to free peoples held in subjection, and that democracy might be saved and justice might prevail in all this world, with treaties in his pockets at the time dividing up much of the earth's surface!

I recall during the disarmament conference whenever a question arose, in the language of diplomacy, in that charming and delightful fashion that was his, he would say, "We agree in principle," and we would accept his word as conclusive upon the ultimate event. They agreed in principle with us in 1921 and 1922, they agreed in principle with us until we had destroyed our superiority, and thereafter they began to build, in the fashion with which we are familiar, and began to build just as they chose.

I recall these facts to the Senate, not because I desire a naval race with Great Britain; I care not for that; but that you may understand some of the voices that are raised in the United States of America to-day against this country entering upon any building program at all for its own self-defense and its own self-preservation.

I reiterate, I want no competitive building with Great Britain; I want no competitive building with any nation. I make the comparisons, of course, because those comparisons are ready at hand, and I recall the events of the happenings of the disarmament conference and subsequently that we may keep our eyes open in extending our hands in a desire to every nation on the face of the earth to disarm and limit naval power. I desire that while extending our hands we may understand just exactly how we have been dealt with in the past and what the possibilities are of how we may be dealt with in the future.

Parity, of course, we assumed we had after the disarmament conference of 1922. Parity to-day British statesmen reecho and have reechoed in the last few months. But we need to read only the proceedings of the Geneva conference, when we sought again a naval limitation agreement, to understand exactly what the British were endeavoring to do with the parity that we were assured was ours in the disarmament conference where we made all the sacrifices and they made none.

There is another reason, sir, I say in passing, and in diversion for the moment, why this bill must be passed if we believe in a limitation of naval armament. After the debate that has been had upon this bill, after the propaganda that has spread over this Nation with respect to our building program, if you defeat this bill or eliminate the prime provisions, you can not expect that you will be taken at your word in anything you seek to do in a disarmament convention hereafter, because your bargaining power will have gone. It might not have been so if we had not had the debate which has occurred upon this measure, but if you believe in bargaining power, concerning which I care nothing at all, then you must pass this measure in the form in which it is, or these gentlemen, who are very wide awake and who do not always indulge in the dreams that are ours as to future peace, will take us just exactly as they have taken us in the past, and our hopes of future disarmament upon the sea will go aglimmering.

We came to another disarmament conference at Geneva. We imagined when we went there that we would be enabled to accomplish something, perhaps, such as we had accomplished in the Washington disarmament conference. In Washington, with everything to give, they accepted our generous anxiety to sacrifice. In Geneva, where we had nothing to bargain with at all, and with the superiority lodged with those who sat there with us, they would yield nothing at all.

Parity, they say now, is ours. It was not so a very little time ago. It was not so at the time of the meeting of the Geneva conference. There, among those who represented Britain, was the age-old idea that has been expressed by every Briton in power from time immemorial, the idea that was that of Winston Churchill and expressed by him with such force after the war. It was a question at Washington of yielding where the superior power existed. It was a question at Washington of limitation because Britain could not hope to equal us, but back in the heads of Britons for all the years had been the one thought among those in power in England, expressed just after the Great War by Churchill in these words:

Nothing in the world, nothing that you may think of or dream of, or anyone may tell you; no arguments, however specious, no appeals, however seductive, must lead you to abandon that naval supremacy on which the life of our country depends.

That has been their view in the past. It may be modified by the exigencies of the very present day. It was not modified when our people met them at Geneva for the purpose of further limiting armaments upon the seas.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. JOHNSON. I yield.

Mr. McKELLAR. I take it it has not been modified yet. I saw in the papers just a few days ago excerpts from speeches made by Sir Austen Chamberlain, in which he practically restated that very doctrine and said that they had no further proposals on cruiser reduction to make.

Mr. JOHNSON. Mr. President, I rather took the speech of Chamberlain to mean that he accepted parity at this moment. But I may have been in error in my understanding of it.

Mr. McKELLAR. I took it to mean that he accepted the kind of parity they got in the disarmament conference of 1922.

Mr. JOHNSON. I have not a doubt that if we meet again that is the kind of parity they will get. There is something strange about our diplomacy. I am very fond of it. For those in charge of it, of course, I have the highest regard and respect, but I would infinitely rather it would not deal with very delicate questions in which our defense may be involved with foreign nations.

I realize, of course, that it will do all that is essential for America, and that it seeks by the very best methods that it can employ, and with an ability which I will admit is without stint and without qualification and unexcelled, what is best for our country, but somehow or other, whenever we deal diplomatically with our brethren abroad, we get the same sort of result that we got from the disarmament conference in Washington.

Let us turn to the Geneva conference, which was just a brief period ago. This is what our English brethren, Kenworthy and Young, say of that:

It seemed at first sight indeed unreasonable that America should dictate to the British what the size and strength of their cruisers should be. But if we look a little deeper into the meaning of Mr. Bridgeman's proposals—

Mr. Bridgeman is the First Lord of the Admiralty—

we find that there was some excuse for the American suspicion that this simple country gentleman, with his twinkling blue eyes and genial air, could stack the cards in his own favor and slip in a joker with the best of them. His smile was disarming; but his disarming went no deeper than his smile.

I would like to read some chapters from Kenworthy and Young, but I read just a word or two as to why the Geneva conference collapsed. After the British delegates had been at Geneva for a brief period they were suddenly called home, and they were called home at the most critical time of the negotiations. Being called home at that time was ascribed by Cecil as one of the contributing causes of the failure, but Kenworthy says:

The revolt of the Admiralty and of authoritative opinion in the ruling class against the principle of parity has been carried into the Conservative cabinet. The Chancellor of the Exchequer, Mr. Churchill, was recognized as a recruit to this revolt, when, in a speech at the Mansion House (July 12, 1927), he said, at a critical stage of the conference:

"I should regard it as the paramount duty of the British exchequer, in priority to all other considerations, to find any money that was really needed to safeguard those sea-borne food supplies without which neither the life nor the independence of the British nation could continue."

Just a word about the sea-borne supplies of Britain. What he means, and what the argument there always is, is that Britain needs a large navy—indeed, a navy that is supreme upon the sea—because Britain is required to safeguard certain sea lanes. Do you know what those sea lanes are? They are the recognized lanes upon the sea of every nation on the face of the earth; and when they say that they must safeguard those sea lanes, what they mean is that no sea lane over which ocean commerce passes shall be permitted to exist unless com-

manded by British power. That has been their insistence, and it was their insistence in 1922; because in the disarmament conference of that year not only did we give them our capital ships, that were so superior to theirs, but we left them with 10 per cent superiority in capital ships over us; we left them their bases in the sea, the bases which are necessary for their ships.

We left them not only a superiority in battleships, but we left them as well their superiority in cruisers which then existed; and not only that, but we destroyed by treaty the only possibility that we had in the far Pacific of a naval base for an American fleet. We yielded everything, as was so eloquently said by the Senator from Missouri yesterday. We yielded all to them upon the hope that we would have a true disarmament.

They, on the contrary, yielded, only from necessity, the parity in the great vessels of war, but yielded nothing else at all. When afterwards we sought to have parity in cruisers, then came the Geneva fiasco. We will have parity with Britain, sir, just in one way. We will have parity with Britain when we build up to what Great Britain has and are ready to build beyond what Great Britain now has. So if we stress parity in this matter at all, that is the only direction in which it will ever be obtained.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. REED of Missouri. I do not want to interrupt the Senator if it will at all disturb him, but he is speaking of the question of parity. On March 16, 1922, I called attention to the fact that we were not receiving parity.

Mr. JOHNSON. Let me say to the Senator from Missouri that I want to yield to him this meed of praise, and he is entitled to it from the Senate and from the country. He is the only man upon the floor of the Senate who saw what was happening in 1922—saw it with a vision so clear that I wonder now at the prophecy that was his, which has been borne out by subsequent events.

Mr. REED of Missouri. All I wanted to call attention to was this one fact which I called attention to at that time, that the British ships were measured by British rules and went into the treaty in accordance with that measurement. American ships were measured by American rules and went into the treaty according to that measurement. The result was that a British ship and an American ship of exactly the same inches did not show the same tonnage, the British ship showing about 20 per cent less tonnage than the American, and that brought the result which I stated at that time in this language:

> Accordingly the total British tonnage allowed by the treaty as to existing ships will be 628,820 tons, as against America's 525,860 tons, a difference of 20 per cent in favor of Great Britain.

In addition to that was the question of speed and of gun power, which was fully gone into.

Since the Senator paid me a very handsome compliment, for which I thank him, let me say that I am entitled to no credit for those figures. They were furnished me by the experts of the Navy. They were denied subsequently upon the floor of the Senate by a very distinguished Senator who undoubtedly was misled, because he was incapable of a deliberate misstatement. I believe they are now admitted to be true. So that I think in this discussion we ought to understand that we never had a parity, even disregarding the question of the cruisers that are being built.

I thank the Senator for permitting me to make the statement.

Mr. WALSH of Montana. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield.

Mr. WALSH of Montana. Are we to understand that our naval experts were unaware of the fact to which the Senator calls attention, or that our commissioners, being fully advised about the matter, consented, while representing to the people of the United States that parity had been obtained so far as capital ships were concerned, realizing that Great Britain had an advantage of 20 per cent?

Mr. REED of Missouri. The only way I can answer that question in justice to myself and everybody else is to say that a gentleman came to my office and made the statement to me that this was the situation. I did not take his statement as correct, although I believed him to be a truthful man. I asked the then commander of the Navy for a verification. He sent a man to my office with the information that he was one of their best experts. I gave him the figures. He checked them and said they were accurate except in one respect, and in that one respect the error was in favor of Great Britain and not in our favor; that is, the case was stronger than it had been put.

I thereupon took the floor in the Senate and put the tables into the RECORD, with a prolonged speech to which nobody listened. That is all I can say about it. I do know that afterwards one of the Senators who was on the conference said I was mistaken; that there had been a reconciliation of the measurements; but I afterwards took the pains to get the British book which publishes their official figures, published a year or two years later than the treaty, and the measurements put into the treaty were the measurements given in the book.

Mr. WALSH of Montana. I suppose everyone will appreciate the tremendous significance and importance of the statements now made by the Senator from Missouri. The commissioners of the United States represented to the Senate of the United States in their report that parity had been secured, with just a variation which was explained. We are now told that that representation was not correct; that, as a matter of fact, the British had an advantage, so far as capital ships retained were concerned, of 20 per cent over the United States.

That is either an impeachment of the integrity and capacity of the naval experts and advisers of the American commission, or it is an indictment of the integrity of the American commissioners themselves, because, if that is true, of course, it became the duty of the naval experts and advisers to advise the commissioners, and if they discharged their duty they must have realized that there was an advantage of 20 per cent in the case of Great Britain, and yet they represented to the Senate and to the country that parity had been secured.

Mr. SWANSON. Mr. President, will the Senator from California yield to me to enable me to explain the matter?

Mr. JOHNSON. I yield to the Senator from Virginia.

Mr. SWANSON. I think the matter can be very easily explained without impeaching the British Government or impeaching our commissioners. There is a difference in the method of measurement. Great Britain fixes her measurements when she first prepares to build her ships. They are to be built for certain weights and certain displacements. A ship is always carried in their book at that designed or intended weight. The actual weight usually exceeds the designed or intended weight. We measure everything by displacement; that is, the weight displaced when we are armed, with everything except coal and material of that kind. Our displacement is measured as the ship is on the line of battle.

At the disarmament conference, of course, it was necessary to ascertain whether the British ships carried what they called a legend, because it is more or less imaginative, and whether they really gave the size and tonnage of their ships. The record will show that the British commissioners told us frankly and candidly exactly what was the real weight of their ships or displacement of their ships, ton for ton.

Our commissioners knew what it was exactly in displacement, in size, and how it was treated. They had, as they understood, that excess. The question arose as to how that could be gotten rid of so there would be an equality. At that conference we compelled them to adopt in an agreement the American method of measuring the tonnage of ships, and that is in the Washington conference proceedings.

Mr. HALE. For the future.

Mr. SWANSON. Their future displacement.

Mr. REED of Missouri. For the future!

Mr. SWANSON. Yes; for the future. The commissioners told me and the naval officers told me that some of those ships must be replaced after they had passed 20 or 25 years in age. There was no apprehension of any trouble in the next six or seven years, but when the replacement takes place, on account of the ships' age being exceeded in that way, then the actual parity will be established.

Mr. REED of Missouri. Exactly.

Mr. McKELLAR. Mr. President, I want the Senator to explain why the British had 22 and America only 18 if they were on a parity and the British ships were larger than the American ships.

Mr. SWANSON. As to capital ships, they had the advantage stated by the Senator from Missouri, and the British told them what advantage they had.

Mr. HALE. They did not have to tell them. Our people were familiar with their ships and their people were familiar with our ships.

Mr. SWANSON. We can not tell the weight of the ship by the material that is put into it. They measure the displacement and the weight is fixed on what the ship will show in the way of displacement in line of battle. England frankly told the size of her ships. We told exactly what our ships were in tonnage. They have what they call the legend weight. A ship is built or intended to be built at 40,000 tons, though it might actually be 42,000 tons, but they carry it at 40,000 tons. That was understood at that time.

Mr. JOHNSON. I want to say one word myself in response to the Senator from Montana. I do not know whether he

challenges the statement I made about 10 per cent. If he does, I am ready to establish it by authority hereafter, and will do so. Without impugning the integrity of anybody on earth, I say that as a matter of fact the ultimate result was that Britain had about 10 per cent more in capital ships.

Mr. SWANSON. That is true. It was understood by the commission at that time.

Mr. JOHNSON. It may be.

Mr. WALSH of Montana. I do not controvert that statement at all, because the actual aggregate of tonnage is given right in the treaty.

Mr. JOHNSON. I cited that as an instance of our generosity in the disarmament conference.

Mr. WALSH of Montana. The actual tonnage of Great Britain was, as the Senator said, about 10 per cent greater than ours. It was explained at the time that that was accounted for by the age of the ships and by other considerations.

Mr. JOHNSON. That may be.

Mr. WALSH of Montana. I make no question about that. I do not controvert that question at all. Neither do I question the statement made by the Senator from California. But the statement of the Senator from Missouri is essentially different from that. He said that there is still a variation of 20 per cent in addition by reason of the difference in the method of computing the tonnage of ships, and that while it was represented to us that this was the tonnage, as a matter of fact upon the American system of computation the English strength was 20 per cent greater.

Mr. REED of Missouri. In order to get this in an accurate way—and I am very much interested in having it accurate—my statement was that there was a difference of approximately 20 per cent in the tonnage, and that there was a difference in the actual tonnage, and that was a difference in favor of Great Britain. I am not differentiating between the allowance of 10 or 12 per cent, which was just spoken of, and the total.

This is what I understand to be the case since the statement of the Senator from Virginia has been made. Taking the British figures which embrace the British measurements, it was recognized that there was a difference between the actual tonnage and the apparent tonnage which was represented by the two sets of figures.

Mr. SWANSON. If the Senator will permit me, I desire to say the position I take is that there was a difference; but the British actual displacement always exceeds what they carry on their books as to the actual tonnage. As to the figures referred to by the Senator from Maine, I can not state the fact.

Mr. JOHNSON. The Senator from Maine [Mr. HALE] has the exact figures here, and he can give them to the Senate.

Mr. MOSES. But, Mr. President, before the Senator from Maine gives those figures, may I say that that is a question that we have had up in all the contests we have had with Great Britain as to maritime matters. Even in the international yacht races the question always arises about the relative measurement by the British standard and the relative measure by the American standard, and under the British standard the net tonnage is always much more than ours.

Mr. REED of Missouri. I want to finish my statement, if the Senator from California will permit me to do so. This question may come up in the months in the future when I am not here, and I do not want any misunderstanding.

My statement was that the British measured their ships by a certain rule and the Americans measured their ships by a different rule; that when tonnage represented by the British rule was compared with the tonnage represented by the American rule if that tonnage were equal in figures the British ship was approximately 20 per cent heavier than the American ship.

Now the Senator from Virginia [Mr. SWANSON] has stated that in part that was taken care of by considering the question of obsolescence in certain of the British vessels and that the remainder of the difference is to be taken care of in the future by hereafter balancing the two measurements exactly. That, therefore, does not conflict with anything I have said, and does not destroy the present effect of these figures.

If the Senator from California will pardon me one word further, so that I may be understood fully, let me say that my understanding is that when a British vessel is measured as to its tonnage it is upon its trial trip; but in the English trial trips the vessel is very lightly loaded, and, therefore, sits well on the top of the water, whereas an American vessel in its trial trips is loaded practically as it would be for a long cruise or for general service, and it sits deep in the water; so that two vessels of the same size bring this result: The one sitting on top of the water displaces only a small amount of water, which is the tonnage—the tonnage being the amount of water displaced—while the vessel that is put down deep into the water displaces a larger tonnage. Accordingly, an American vessel of a certain number of feet and inches, loaded as we load it, will displace a tonnage much greater than a British vessel of the same feet and inches loaded as the British load it.

Now, when we wrote this treaty we put into the treaty the English measurements as recorded in the English books. There may have been some——

Mr. SWANSON. Mr. President, will the Senator permit me?

Mr. REED of Missouri. I will yield in a moment—there may have been some adjustment as to obsolescence; there may have been some adjustment as to the future; but the figures which I have given were checked by an expert of the Navy as correct, and the tonnage was—

Great Britain, 628,820.

America, 525,860.

In opposition to the treaty I complained of that item at the time.

Mr. SWANSON. Mr. President, the position I take is this: I am satisfied the representatives of Great Britain did not conceal in any way whatever the tonnage of their ships. That statement is in accordance with the information furnished me, and that information was supplied by a naval officer. The British representatives stated frankly the weight and displacement on both bases. As I understand, the displacement of an American vessel is measured with everything on board, including guns, as the vessel is ready for battle at sea, less possibly coal, and I do not know definitely as to that, and less water for operation. The English have what they call a legend tonnage, which, as I understand, is the tonnage computed as of the time when the ship was actually designed. However, the agreement absolutely fixed for the future the American method of counting tonnage, and I do not think, as I have said, that the British concealed anything, according to the information furnished to me by those who actually participated in the conference. Possibly the figures which have been given were obtained from those furnished by the British, but I am satisfied that they made no concealment as to their ships.

Mr. HALE. Mr. President——

Mr. JOHNSON. I yield to the Senator from Maine.

Mr. HALE. The Senator is quite right; there was no concealment on the part of the British about the tonnage of their ships. In computing tonnage of the battleships at the time, both those of Great Britain and our own, we took the so-called legend tonnage, the design tonnage, which was estimated when the ships were originally constructed. We assess such design tonnage in one way—the British assess it in another. The figures that were given were based on what was done in the ordinary way of assessing this tonnage in each country. Reduced to the basis of standard tonnage, without fuel and without reserve feed water, the British at the present time would have 606,850 tons, with the changes that they have made in regard to blisters on their ships, and we would have 519,553 tons, which is an even greater discrepancy than appeared at the time.

But as I have said, Mr. President, our people knew about the British ships and the British knew about our ships. We had competent naval officers assigned to the duty of looking into this whole matter; and if we did not get a battleship force that was equal to that of Great Britain it was our own fault. We got the force that was agreed upon by our own representatives.

Mr. REED of Missouri. Mr. President——

Mr. HALE. There are a great many matters that have got to be taken into consideration in arriving at an equality between the two fleets. It must be remembered that four of the British ships are not battleships at all; they are battle cruisers; and battle cruisers can not stand up against battleships; they have not the same armor that the battleships have; they are faster ships, but they can not stand up against battleships. Then the question of age of the ships and the efficiency of the ships and the gun power of the ships, and many other questions, must be taken into consideration. Taking all things into consideration, it was held by our people and by the British that we had a battle fleet that was substantially on a par with theirs.

Mr. WALSH of Montana. Mr. President, I wish to call attention to another feature——

Mr. HALE. I have merely enumerated a few; there are plenty of others.

Mr. WALSH of Montana. Take the American battleships. There are the *Maryland* of 32,600 tons; the *California* of 32,300 tons; the *Tennessee* of 32,300 tons; the *Idaho* of 32,000 tons; the *New Mexico* of 32,000 tons; the *Mississippi* of 32,000 tons; the *Arizona* of 31,400 tons; the *Pennsylvania* of 31,400 tons. The British had no ships at all equal to those.

Mr. HALE. The Senator is wrong as to that. Under the standard——

Mr. WALSH of Montana. Wait a moment.

Mr. HALE. Under the standard tonnage on which the figures are now computed on the same basis as ours the British have battle cruisers, the *Hood*, 42,100 tons; the *Repulse*, 32,000 tons; the *Renown*, 32,000 tons; the *Valiant*, the *Queen Elizabeth*, and the *Warspite*, of 31,000 tons; and the *Barham* and *Malaya*, of 31,000 tons.

Mr. WALSH of Montana. I was speaking about the capital ships that became the subject of controversy.

Mr. HALE. These are the capital ships of the British Navy which I have just given.

Mr. WALSH of Montana. They were all listed in the book, and the ships the Senator has named are not listed at all.

Mr. HALE. I think the Senator is wrong.

Mr. WALSH of Montana. I have the treaty before me.

Mr. HALE. But I think the Senator is wrong about that.

Mr. WALSH of Montana. I do not think there is any such possibility. Under the heading, "Ships that may be retained by the British Empire"——

Mr. JOHNSON. Mr. President, there appears to be a considerable difference of opinion. The statement is made on the one hand of a fact and a different statement on the other, and the Senators can settle it, I think, while I proceed, if they do not mind.

Mr. REED of Missouri. I beg the Senator's pardon.

Mr. JOHNSON. I thought the Senator from Missouri had finished and there was developing a conflict of fact between the Senator from Maine and the Senator from Montana——

Mr. HALE. No; I think there is no conflict; I think the Senator from Montana is mistaken.

Mr. JOHNSON. That arose from some misapprehension which I thought could be easily cleared up by a word on the subject.

Mr. HALE. I think the Senator from Montana is mistaken. I have furnished the Senator the list, which is unquestionably the list of battleships that the British have retained.

Mr. JOHNSON. Then, the Senator from Maine has convinced the Senator from Montana that the Senator from Montana was wrong? Very well.

Mr. WALSH of Montana. He has not done so as yet.

Mr. HALE. I have given the present standard tonnage of the British battleships and battle cruisers as estimated by the British.

Mr. SWANSON. I suggest that the Senator from Montana put his list in the RECORD, and that the Senator from Maine put his list in the RECORD, and we can then decide between them.

Mr. HALE. The only difference is that the Senator from Montana was talking about the list we had at the time of the treaty, under design tonnage, and I am referring to the list under standard tonnage.

Mr. JOHNSON. Mr. President, some time ago I suggested that out of our generosity at the Washington Disarmament Conference we had yielded a superiority of 10 per cent. I am very conservative in my figures. I took the lesser figures which had been given to me. We yielded a superiority of at least 10 per cent even in the tonnage of capital ships; we yielded to Britain's desire for bases all over the world, and particularly in the Pacific; we yielded the only possible base that we had in the Pacific; we yielded to Britain, in addition to that, the superiority in cruisers, and we did it all with a fine, splendid, hysterical credulity that made us imagine that in the days following we were going to have parity with Great Britain in the construction of our Navy.

Sir, I have just read recent fairly official utterances upon the question of parity wherein the gentlemen speaking concede such parity to us. Then I return for a moment to the Geneva conference to demonstrate to you, if it be possible, from the words of Lord Cecil and from the book before me of Commander Kenworthy that the real thing which split the Geneva conference, after all, was parity, and that when that question arose the British delegation were brought home, and the opportunity for an agreement was rendered very, very difficult.

In February, 1928, after we had embarked upon this very modest program of ours, and when it was a matter of discussion in the United States, Mr. Bridgeman, the gentleman of the rosy cheeks and the blue eyes and the smile for disarmament, that is referred to by Commander Kenworthy, said:

> There is no need—

And Mr. Bridgeman is the First Lord of the Admiralty, recall—

> There is no need to get excited, worried, or annoyed about the American naval program of which we hear so much. The United States of America has a perfect right, subject to the Washington convention, to build whatever fleet it thinks is necessary for its own defense. * * *
>
> It is inconceivable—

He said—

> that either America or Britain should intend aggressive warlike ideas in these days.

And I reecho, of course, as does every man upon this floor, that sentiment—

> Let us go quickly on with what we think is necessary for ourselves. Let them go on with what they think is necessary for themselves, and let us hope if they build a larger navy, their navy will be as great a factor in the preservation of the peace of the world as the British Navy has been.

That I quote from the London Times of February 12, 1928.

The First Lord of the Admiralty, then, in 1928, when we embarked upon our program, says, "Let them go on and build as they deem appropriate. Let us rejoice in the building that they do. Let us not get worried or excited"; but Americans who have their eyes cast across the waters most of the time, and who pride themselves upon being termed "internationalists," raise the hue and cry that Bridgeman declines to raise, and they say, "Oh, you must not build, because if you build you are offensive to Great Britain."

They are the ones that raise the cry of offense, not the First Lord of the Admiralty there. He understands that he can take care of himself, and his country will take care of itself. Our internationalists, our hysterical women's organizations, and the like, cry aloud to us here and say, "We must not build at all for fear we offend Britain." They, indeed, are the ones who present the opposition to this particular course that is to be pursued by this bill—they of America—while Britain has no such objection, according to the First Lord of the Admiralty, to that construction.

Again, sir, in a very recent utterance of Lord Lee of Fareham, in November, 1928, as published in the Manchester Guardian of November 20, 1928, I find these words quoted:

Lord Lee said:

> Why, then, all this excitement over naval parity, a principle or a sentiment to which both countries gave their whole-hearted and emphatic approval in 1921, and which neither of us has ever challenged since?

Lord Lee, you know, was one of the plenipotentiaries here with us in 1921–22, one of those who participated in the disarmament conference.

Indeed—

Said he—

> to question its validity in any way would be to dishonor our signatures at Washington, my own amongst them, and to make us bywords amongst the nations.

Again, he says:

> We ask nothing of America; we want no political nor financial favors, nor have we any desire to interfere with her discretion in building as many cruisers as—after duly weighing all the implications of the Kellogg pact—she may consider right and necessary. All that we ask—and I think we have the right to expect this much—is a belief in our good faith and our "reciprocity of good will."

All that Britain has the right to ask is concerning our good faith; and all that any of us who build these cruisers desire to say to Britain is that "We reciprocate your good will." There is no other design. It is for Americans unfortunately to find some other purpose than these who are official in Great Britain find in this program. It is for Americans here in our land—pacifists, ladies' associations, Friday morning clubs, Tuesday noon clubs, Wednesday 9 o'clock in the morning clubs, and Thursday 6 o'clock in the evening clubs—that are passing the resolutions and loading us down with the propaganda—Americans who deny the right of America to build! The Englishmen say, these in authority, "Build as you will. All we ask is good will—reciprocity of good will." We reecho it. "Good will is ours toward you of Great Britain—we who speak your language; good will, reciprocity of good will. But under the skies that are ours, by virtue of the destiny that is the destiny of this Republic, because this country is going forward in the fashion that it has, and needs the preparation that is essential—because, indeed, we are Americans, and thinking first of America—let us build as we see fit and as we desire and as we require for America, and America alone."

That is the only fashion in which I am thinking in this debate, and that is the only way in which I desire to have my vote taken upon this cruiser bill. These gentlemen in authority in Great Britain have stated, as I say to you, their indifference to what we do in the building line; and with the charm that our British brethren ever have possessed they say to us they recognize that we are entitled to parity—this in 1928, when

we are embarked upon our building program. They say, "You are entitled to parity, and we have never denied it"; and Lord Lee, who signed the report of the Washington Disarmament Conference, says, "My signature I should consider dishonored and our nation should be a byword with all the nations of the earth if ever I questioned the right of parity of the United States of America with Great Britain."

But in 1927, when Bridgeman, the First Lord of the Admiralty, was over at Geneva with those who represented us, there was another story told; and it is told not by our people. I would scarcely dare in this presence offer the evidence of mere Americans; and so it is, sir, that I turn to our English authorities, so that they can not be questioned. I recognize how readily any authority that emanated from a mere American's lips might be questioned in this country to-day. I recognize the large number of people there are in this Nation who scoff at the very word "patriotism," and who would take from the young that we bring up the love of country that has made America what it is. I recognize that; and so I turn to an English authority as to what transpired at Geneva, so that with our Americans protesting against 15 cruisers there may be no doubt of the authenticity of what is repeated.

I read you a moment ago:

The revolt of the Admiralty and of authoritative opinion in the ruling class against the principle of parity had been carried into the Conservative cabinet. The Chancellor of the Exchequer, Mr. Churchill, was recognized as a recruit to this revolt when, in a speech at the Mansion House (July 12, 1927), he said, at a critical stage of the conference:

"I should regard it as the paramount duty of the British Exchequer, in priority to all other considerations, to find any money that was really needed to safeguard those sea-borne food supplies without which neither the life nor the independence of the British nation could continue."

He thus cut the ground from under the conference by putting the power of the purse on the side of naval expenditure instead of on that of naval economy. The significance of this did not escape the Americans, who had long suspected that the British did not mean, and never had meant, to accept parity in sea power; but only parity in the more costly mechanical weapons in which they could not compete with the Americans.

Now let us see what Cecil says, who resigned finally, as you recall. The incident is so recent that I do not attempt to detail it. We will let Cecil tell his story as he told it to Parliament:

Before we set out, there was a discussion in the committee of imperial defense as to the case that we were to lay before the conference. In the course of that discussion the question was raised whether we were to admit that the Americans were entitled to equality in cruisers on the same model as that which had been conceded to them in battleships. I certainly understood—I may have been wrong—that influential members of the committee expressed the view that unless we conceded this it was no use going to Geneva.

* * * * * * *

The Americans attached great importance to what they called "parity"—that is to say, equality of auxiliary craft on the same lines as the equality of battleships agreed upon at Washington. The First Lord of the Admiralty and his advisers at Geneva saw no great objection to accepting the American contention on this point, and after a few days he made it quite clear that though we doubted whether the American need for cruisers was as great as ours, we had no objection to their building up to our limit if they wished to do so. It was, of course, understood that this should be part of the agreement that we were then negotiating. Unfortunately this decision caused great anxiety to some of our colleagues, though we had in fact received express authority from the cabinet to agree to it. The Chancellor of the Exchequer, for instance, has since the breakdown of the conference stated specifically:

"Therefore we are not able now—and I hope at no future time—to embody in a solemn international agreement any words which would bind us to the principle of mathematical parity in naval strength. Though I do not in the least agree with him, I am quite sure that my right honorable friend is convinced that this warning is essential to the safety of this country. I am equally sure that, if persisted in, it bangs, bolts, and bars the door against any hope of a further agreement with the United States on naval armaments."

My right honorable friend is a very forceful personality, and I have no doubt that from the moment that he realized that we had at Geneva agreed to what he calls the principle of mathematical parity—that is to say, that we had extended to cruisers the standard accepted for battleships—he began to press on his colleagues the necessity of avoiding the consequences of what he regarded as a disastrous concession.

Then, reviewing the cruisers and guns, Cecil continued:

I was very much disturbed. Agreement seemed to me to be in sight, and I felt that if there were to be an adjournment for some days it was only too likely that the opportunity would pass. However, the wording of the summons left us no alternative but to obey. When we got home we found, as I have already intimated, that certain members of the cabinet strongly took the view afterwards expressed in public by the Chancellor of the Exchequer. They thought that it would be most dangerous to have stated in the treaty that the Americans were entitled to mathematical parity in auxiliary vessels. These ministers clearly intimated that they preferred no agreement to one embodying that principle.

That was one of the reasons why Cecil resigned from the cabinet, and he gave to the world in the Parliament his reasons for so resigning.

So much for parity. Now they say we may have it. Very well; it is immaterial to me, and it ought to be immaterial to our building program; but when they have agreed in the disarmament conference of 1922, when, indeed, they repeat now in 1928 that they are willing that parity should be ours, when we have constantly and continuously since the first day that any agreement was made in relation to disarmament acted upon that theory, it would be a fraud upon the American people to assert now that we could not build if we desired upon a parity with England and just exactly as Great Britain has seen fit to build.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. JOHNSON. I yield.

Mr. MOSES. Does the Senator from California find any significance in the fact that the British offer of parity is now made just as the first of the 1922 cruisers built for the United States is taking the water?

Mr. JOHNSON. The Senator from New Hampshire has grasped the very point that I have been endeavoring to elucidate. Of course, the reason that I showed to you that the first intimation of a desire for a disarmament conference came from Great Britain—the reason that I demonstrate that the first real call was made in the Houses of Parliament for a naval limitation—was to indicate why, and who did it, and to show that our Limitation of Armaments Conference held in Washington in 1922 was, after all, because our superiority in battleships was so great that Britain found it necessary that some steps be taken in order to reach a parity with us upon that particular kind of craft.

Then, when we had agreed upon parity in 1922 with Great Britain and fixed a ratio of 5–5–3, immediately Britain begins building, with her cruisers, as the letter of the treaty might have permitted, but as every British statesman now practically concedes was in violation of the spirit of the treaty. Then Britain, proceeding with her building, denies, indeed, as she did at Geneva, the parity that had been a part of the Washington agreement; but in 1928, when we begin again a naval program in the House of Representatives, and state a position concerning that naval program, then Britain says, "Of course, we believe that the United States is entitled to parity, and none of us have ever gainsaid it; and, indeed, it would be a denial of our own signatures and make us a byword among the nations of the world to urge anything to the contrary."

We will go on if we have any vision in this country. We will build just as we ought to build, and as I think we ought to build, not in gestures. I am sick and tired of gestures made in this body, gestures with no substance to them, and with no design upon the part of some of the people who are parties to the gestures ever to see them in fruition at all. We will go on, not with a gesture, striking out the time limit within this bill. We will go on building as we ought to build, as the bill itself in its original form directs the building of these ships, go on until we have a Navy fit to protect and safeguard the commerce of the United States which constitutes, indeed, supremacy upon the sea of all the commerce of the world.

We are asked, in another aspect, to delay for a period in order that there may be another agreement in regard to international law and the freedom of the seas. I have no objection to sticking onto this bill 456 amendments by which we may meet in convention with every nation or all nations, to do anything that anybody upon this floor may wish to have done; but if there be any such amendment annexed to this bill, let us adopt it with our eyes open and knowing just what we do, and let us do it only after we have provided for the immediate construction of the cruisers that are described in this particular measure.

Let us think for a moment of freedom of the seas, of the amendment which has been presented by the distinguished Senator from Idaho, and the amendment to the amendment offered by the distinguished Senator from Montana. Both of those gentlemen believe in the Kellogg peace pact which has just been

signed. Both are earnest, and desire, just as all the rest of us are equally earnest and desire, that anything shall be done in this world that may bring peace to it, a permanent cessation from warfare of any kind. They, in their desire to accomplish the purpose that is theirs, have an amendment for the codification of international law as to neutrals upon the sea, with an addition that is made by the Senator from Montana with particular respect to the inviolability of private property.

What is the position these gentlemen take? These are the protagonists of the Kellogg peace treaty. These are the gentlemen who believe absolutely and unequivocally in the efficacy of that treaty. They have just written war out of the world. They have just declared by a peace treaty for perpetual peace. Never again can grim-visaged war be upon this earth. Now they start immediately doing what? Writing the rules of war, writing the rules of war.

That might be a perfectly appropriate amendment to be offered by one like myself, who believes little in the efficacy of the peace treaty that has been signed; but it strikes me as a paradox and an anomaly that these gentlemen, with their high hopes of peace, believing that the Kellogg treaty brings unto the world a cessation of warfare for all time to come, immediately to suggest that we write the rules of warfare now, and write those rules so that they may be respected by every nation that indulges in warfare in the future.

Either this new treaty that we have signed is of some value or it is of no value. If it is observed and war is renounced, if every question hereafter arising shall be determined by pacific means, then, of course, the freedom of the seas becomes a mere academic question and we need not concern ourselves with it in the slightest degree.

Assuming, sir, that two nations that have signed this marvelous pact never again to engage in war, to settle everything that may arise by peaceful means, do engage in war. One nation is wrong, of course. One nation fights in self-defense, of course. What are you going to do? Are you going to write the rules of war, so that we shall trade with the offending nation? Is that the theory of writing the rules concerning neutrals in time of war? Do you mean to say that after our signing this pact, with the solemnity observed, with every nation on the face of the earth signing it with like solemnity, preserving for the archives of all time every scrap that was used in the signature, taking the pens for the museums of the world, that they may be pointed to in generations to come as the instruments that banished war from all the earth—do you mean to say that we have signed a treaty of this sort, and then, if it be broken, we are going to have aught to do with the wrongdoer? How can you, under the treaty, run a blockade of a warring treaty-breaking nation, and if you can not do it, and the treaty is observed, how can any other nation on the face of the earth have aught to do with the wrongdoer? All the nations on the face of the earth of necessity must be banded together against the wrongdoer. What difference does the freedom of the seas make under those circumstances?

I say nothing of the League of Nations, which was to bring peace to all the world. I say nothing of its provisions, by which war should be prevented forever. We are not parties to it, but the other nations of the earth are. What if one nation, offending under the league and offending against the Kellogg treaty, goes to war? Are there, then, to be rules by which we trade with that offending nation?

Nonsense, sir. We need no rules if the pact be of any use at all; we need no rules in relation to war if the pact be of any use. If one nation will break its faith in relation to the peace pact and go to war, that nation will break its faith in just the same way as to the rules of warfare and the rights of neutrals. It is so obvious that it does not appeal to my reason. Because, however, I deem it in its present form of so little consequence, I have no objection to letting this amendment go on the bill.

If this treaty, upon which the whole fate of the universe now depends, which has been eulogized in panegyrics that have been heard around the world, such as have been applied to no other instrument—if this peace pact be of any value or of any aid or of any effectiveness; if the League of Nations, with its covenants respecting war, is not merely the fraud and the delusion and the snare that some of us believe it to be—if there is any efficacy in either or in both, there is no need of writing rules of war at all, and no need whatsoever for doing anything in relation to the freedom of the seas.

Freedom of the seas has been a question, of course, which, ever since we were a little country with a few million people, has exercised this Nation. Freedom of the seas has always been something which Great Britain has refused to recognize in any aspect or in any degree.

"Freedom of the seas" is a delightful phrase. It is like "peace," it is like "renouncing war," like "outlawry of war!" Is not that splendid? Outlawry of war, all the nations of the earth standing together, going forward in militant array against some nation which is outlawed because it has gone to war. Glorious phrases are these, beautiful language, soft and sweet, that has torn us all from our original patriotic moorings in this country. Glorious it is, outlawing war. We will proceed to take any offending nation under the league and under the Kellogg treaty and make it an outlaw among the nations of the earth. But before we do that, we will enter into rules with it for the conduct of war, and for the sale of goods, for the making of money by us after it gets into war.

What a strange, strange situation we have. "Freedom of the seas!" A beautiful phrase. But when you get into war, with your blows striking; when nations stand with their backs to the wall; when a people's existence is at stake, they do not stop to think of the freedom of the seas. When national life is in the balance and national existence hangs doubtful upon the issue, then there is little question of what freedom of the seas may be. It is the strong who act, just as they have acted every time when there has been war, and every time there has come a clash between the nations of the world.

Freedom of the seas we discuss learnedly upon this floor. We talk of rights of neutrals, and we say what a crime and a sin and a shame it is that any man with goods to sell to a belligerent shall not be permitted to sell them as he sees fit, provided they be not in the category of contraband of war. We speak of it here learnedly, like the dry-as-dust professor who lectures upon archaic things. We speak of it, and we imagine that we are fighting a real battle, talking about freedom of the seas.

Freedom of the seas when you get into war? You saw how it was only 12 years ago. Freedom of the seas! There was not any such thing, and this big Republic of ours was unable, during the early days of the war, to have a semblance of freedom of the seas or any international law regarded at all, and I could not but be sympathetic with Asquith when he said that no nice legal distinctions would he permit to interfere with the safety of the British Empire and its necessity of blockading those who were the enemies of the British Empire. That was his announcement during the war. That has ever been the announcement of every nation that ever got into war, and when we got into the Great War, just as Great Britain had disregarded our rights, we disregarded the rights of every other nation on the face of the earth that came in conflict with ours.

Freedom of the seas is well to talk of in time of peace. Freedom of the seas is a splendid thing upon which to draw a brochure and publish a beautiful little volume. But when nations are in war fighting for their very existence no nation on earth is going to permit that which is necessary for the enemy to get past its blockade, no matter whether it may be carried by one nation or another, and no matter how friendly even the nation may be to the blockading one in fact.

There is just one way to obtain freedom of the seas, just one way to protect the commerce of our nation, just one way to go our way and not the other man's way, and that is for our country to be strong enough to enforce its will rather than permitting the other country to be strong enough to force its will upon us.

Freedom of the seas was recently discussed very learnedly by a member of the British Admiralty. It is very interesting. It is entitled "Freedom of the Seas," by Sir Herbert Russell, and appeared in the Military and Naval Record (British) on November 1, 1928. It reads as follows:

> The recent publication of a further installment of the memoirs of Colonel House has aroused a good deal of discussion upon the subject of the freedom of the seas. It is one of those spacious phrases upon which the politicians—and especially the pacifist politicians—make great play. It appears to be assumed in this country that if we would unreservedly accept the doctrine of freedom of the seas all would be plain sailing in coming to a naval agreement with the United States. It is argued that we have much more to gain than to lose by agreeing to renounce blockade, and on the face of it this sounds perfectly plausible. But pacifist politicians are always prepared to rush in where the students of war fear to tread. They will dispose offhand of a problem to which the strategist devotes years of study in the effort to arrive at a convincing answer. Fortunately for the naval welfare of this country, they shoot their bolts without doing any material damage, and nobody begrudges them their presumptive moral victories.
>
> Freedom of the high seas exists without question in peace time. International understanding sanctions intervention against outlawry, such as piracy or mutiny, without any discrimination as to flags. The idea that this freedom should not be violated to the disadvantage of

neutrals during war is a perfectly reasonable doctrine. But unfortunately it is a doctrine which would leave an enemy at liberty to come and go as he pleased under false colors, for to unreservedly admit freedom of the high seas is to surrender the right to stop and search any vessel other than a self-confessed enemy. It would also leave neutrals free of trade in contraband of war as a perfectly legitimate business. We are told that the United States is very emphatic upon the freedom of the seas. Whether this really represents her naval policy I can not pretend to say; if it represents her political view, then how does she justify stopping, searching, and seizing vessels on the high seas—i. e., outside of territorial limits—in the cause of prohibition? To contend that this is done for a particular purpose is quite beside the point, because the same thing in war time is also done for a particular purpose. The Northern States very soon found that freedom of the seas was playing Old Harry with their chances in their war with the Confederate States, and so they established as close and as tight a blockade as their resources would permit.

To begin with, we want to set a definition to this fine-sounding phrase. What exactly does freedom of the seas mean? Is it the renouncing of all blockade, of the right to capture, and the right of search? If so, we must drop the phrase "command of the seas" from our strategical category. The first object of the stronger naval power in every war is to establish a dominance of these vital sea areas. If the freedom of these vital sea areas is to be assured, then the stronger naval power can only deal with palpably hostile ships. If he sees bona fide neutral traders swarming in and out of the weaker enemy ports, he must not interfere with them; even if he is not satisfied they are bona fide neutrals he has no business to stop them and make sure. This is a fine doctrine for the weaker power, to be sure. As the United States is never likely to figure as the weaker power in a sea war, I can not believe that she is wedded to the freedom of the seas as a naval doctrine. If she is wedded to it at all, it must be simply with an eye to business; to enable her traders to supply the belligerents with anything and everything without let or hindrance.

Freedom of the seas as a war precept simply means the negation of war. It implies an immunity which would render the effective pursuit of hostilities all but impracticable. Assuming that the principle is strictly limited to neutrals, it is self-evident that it would be abused to such a degree as to destroy the economic weapon. Let us assume that the freedom of the seas on these lines had existed during the Great War. There would have been no right to search, capture, or blockade neutrals. We need only have transferred our mercantile vessels under neutral flags—quite an easy thing to do in a perfectly lawful manner—to have rendered the "U-boat" campaign abortive. On the other hand, supplies would have streamed into Germany because our navy would have been powerless to stop them, and the war would have been indefinitely prolonged.

War, whether by land or sea, follows two broad lines, the military and economic. The latter, of course, is largely governed by the former. A siege or a blockade may reduce to submission, for economic reason, a garrison or a fleet which, militarily, is quite capable of continuing resistance; the alternative to submission is a break-out and a battle. The siege ashore is the counterpart to the close blockade at sea. Modern methods of warfare render either extremely difficult, the close blockade in particular. Surely the Great War taught us that a struggle between nations is not going to be conducted according to prearranged rules. Academic conventions based upon equity and chivalry are admirable, and every civilized power cheerfully signs them in the hope that they may be observed. But when it comes to a struggle a toute outrance, necessity knows no law. We deliberately violated not merely the freedom of the sea but the immunity of territorial waters for the purpose of destroying the *Dresden* at Juan Fernandez. Norway was honestly neutral, but the Germans sank her ships without compunction for no better reason than that they might have been of service to their enemies.

Suppose we were to abrogate the economic weapon by accepting the doctrine of freedom of the seas in war, what would be our position? If the doctrine were faithfully observed by the enemy, we should be unbeatable because we could never be starved. Such a prospect is not going to commend itself to the enemy. No great war can ever be fought to finality on the sea alone, but to renounce the economic weapon would render it practically impossible to confer a decisive character upon the naval struggle. "Killing is not the end in war; it is only a means to the end." The grand clash, resulting in a definite victory to one side, may or may not happen once in the course of a naval war. The immobilizing of an enemy is the only effective alternative to reducing him by battle beyond the power of further resistance. But this, again, is only one of the results of the effective blockade which also denies him supplies by sea.

I suppose the desire to restrict the effective of war, as suggested by the doctrine of freedom of the seas, must be regarded as symptomatic of the desire to abolish war. The latter, to my mind, is very much more logical than the former. To abolish war is an act of finality (impossible in practice but still, in principle, an act of finality). To restrict war is an abortive expedient. There can be no binding qualifications to the attainment of victory in a struggle of life or death, which modern war is likely to be since nations will no longer resort to arms without deep provocation. The stronger side may observe "rules" in the pursuit of his success; the weaker side is not going to observe anything in his effort to escape being beaten. Pacifist politicians, with their academic formulae for keeping Mars to the straight and narrow path, fail in realization of what war means. They try and visualize it as a gentlemanly business, when we can never make it anything but a beastly business, and beastlier to-day than ever, thanks to the infernalness of human ingenuity.

If this country declared her willingness to accept the principle of freedom of the seas in war time, there can be little doubt that all the other naval powers would be prepared to come into line, because they would see that we were surrendering more than any of them. I am not prepared to deny that we might stand to gain more than any of them, but our loss would be relatively greater than our possible advantage. We no longer indulge in the old, immodest heroics about "ruling the waves," but we still recognize that our chief source of naval strength lies in our assumed ability to control our vital sea communications and, inversely, to deny these to the enemy. Why, then, should we surrender this chief source of naval strength by proclaiming that henceforth, in the event of war, we should regard those communications, together with the whole of the Seven Seas, free to those who sought to make big profits out of the war without any of the risks involved by coming into it, and who would be primarily concerned that the war should last as long as possible? For this is what freedom of the seas would mean. Blockade and the right of search restrict this unscrupulous game. The Americans think they can not win prohibition without extending the right of search and virtual blockade well out on the high seas.

I think we could not hope to pursue a naval war with much prospect of success if we are to let neutral contraband runners—in which would be included plenty of disguised enemy ships—have it all their own way.

Admittedly, it is a source of irritation that neutral ships should be stopped and their papers examined in the course of a war which is no concern of theirs. For this very reason the process is restricted to the narrowest possible limits, because it may be taken for granted that no power at war desires to provoke hostile feelings in a neutral country. But when a neutral ship is suspected as having on board contraband of war, and when she enters the zone of enemy waters, she is giving a reasonable cause for interception. Under the doctrine of freedom of the seas our patrols and cruisers in the North Sea and the Channel would have been compelled to watch in impotence the procession of ships flying all the neutral flags under the sun pouring into Germany not only the necessities of life but the munitions of war. To abrogate the right of blockade would be to renounce any right to stop this process. One does not blame the United States for holding that nobody has any right to interrupt her trade with a power simply because that power is at war with somebody else. It is natural enough to look at these questions from the point of view of self-interest. America at war would probably take a very different view of the subject from America trying to do big business with other people at war. This is reasonable, but do not let us confuse it with any idea of international altruism, of high moral principle. The right of blockade and the economic weapon generally has always proved one of the most effective elements in our naval strength. We have always recognized it as the right of other sea powers. In 1861 "blockade running" to the Confederate ports developed into a big industry. When a British ship was captured by a Federal warship our Government metaphorically shrugged its shoulders and said, "Serves you right!" Even neutrality carries certain obligations toward belligerents, as the United States successfully reminded us over the Alabama case. With an unqualified doctrine of freedom of the seas there could have been no Alabama case. And when you begin to import qualifications and reservations the word "freedom" inevitably becomes an anomaly.

But, after all, sir, the answer to the question of freedom of the seas is the law of necessity and the right of self-defense. When a nation is engaged in a war such as Britain was engaged in during the great World War it can not be too dainty and delicate in the handling of nice legal distinctions in relation to the law of the sea. It must fight first for success. So, sir, if we talk and talk and talk about freedom of the seas from now until dooms day, we can enforce it in just one way. If we really believe in it, if we really wish to make the seas free to us under all circumstances, no matter what may be the supremacy of those engaged in the war, there is just one way in which we can do the job, and that is by having a Navy fit to do that job for us in the old American way.

And so, Mr. President, there is no way, either upon the theory of trying to make a rule for warfare after we have just signed a peace pact, or the theory of endeavoring to write a new code for freedom of the seas—there is no theory upon which anyone can vote against this bill if he wants disarmament. There is only one way that experience has taught us we can get it, and that is by having the armament ourselves with which we have the bargaining power too.

Mr. President, in conclusion just a word. Elizabeth of Russia, that beautiful and unhappy Empress, in 1817 wrote:

This abyss of iniquities which we call politics is vainly covered with a tissue of brilliant phrases. It is easy for anyone of the least intelligence, whose heart is in the right place, to see through this tissue and to recognize that, in spite of evangelical treaties, in spite of the reign of justice, it is always the weaker who are sacrificed to the interests of the more powerful.

That was true when Elizabeth of Russia wrote it in 1817. It is no less true to-day, and in the days to come it will be no less true.

Let us go on in our own way, never in any hostility or enmity or bitterness or in hatred of any nation on the earth. Let us go on in our own way, not in the way of any other nation. Let us go on in our own way—we are big enough and rich enough and great enough to do it—not for the purpose of arousing any spirit of ill will in any neighbor that may be ours. Let us go on in our own way to build as we believe we ought to build, and what we seek by the measure before us is a very modest program for our own. Let us pass the bill and, if it be necessary, let us pass another, but let America protect herself, and when America is able to protect herself, again we may have a convention for the limitation of armaments, again we may hold our conferences upon the freedom of the seas, and again, sir, we may meet and sing in ecstacy our pæans of praise, and again, sir, America will be protected and America will be able to take care of herself.

Mr. NYE. Mr. President, I was prepared to address the Senate this afternoon at some length upon the pending cruiser bill, but the hour has now grown so late that I desire merely to give notice that on to-morrow I shall seek recognition as soon as possible after the convening of the Senate.

TERMS OF COURT IN NEW HAMPSHIRE

Mr. NORRIS. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 5515) to amend section 95 of the Judicial Code, as amended, and I submit a report (No. 1583) thereon. I ask unanimous consent for its present consideration.

Mr. HALE. It will not lead to debate?

Mr. NORRIS. It will not lead to debate.

Mr. McKELLAR. What is the bill?

Mr. MOSES. The bill merely changes the time of holding court in the district of New Hampshire.

Mr. McKELLAR. I have no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was to strike out all after the enacting clause and in lieu thereof to insert:

That section 95 of the Judicial Code, as amended by an act approved February 28, 1926, is further amended to read as follows: "The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Concord on the second Tuesday in January, the last Tuesday in April, and the first Tuesday after the second Monday in November; and at Littleton on the first Tuesday after the third Monday in September."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION, CHARLOTTE, N. C.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 15324) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C., and I submit a report (No. 1578) thereon. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the bill.

Mr. OVERMAN. Mr. President, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Is there objection to the request of the Senator from North Carolina? The Chair hears none.

The bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, That the President is authorized to permit the United States Marine Band to attend and give concerts at the Thirty-ninth Annual Confederate Veterans' Reunion to be held at Charlotte, N. C., June 4 to 7, inclusive, 1929.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary: *Provided*, That the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 17 of the engrossed amendments strike out lines 5 to 8, inclusive. On page 22 of the said engrossed amendments strike out lines 21 to 23, inclusive. On page 31 of the said engrossed amendments strike out lines 3 to 5, inclusive; and the Senate agree to the same.

ARTHUR R. ROBINSON,
PETER NORBECK,
PETER G. GERRY,
Managers on the part of the Senate.

W. T. FITZGERALD,
RICHARD N. ELLIOTT,
ARTHUR H. GREENWOOD,
Managers on the part of the House.

The report was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the independent offices appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendments, amendments of the committee to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

GARNIERS BAYOU BRIDGE, OKALOOSA COUNTY, FLA.

Mr. FLETCHER. Mr. President, may I ask the Senator from Wyoming if he will not permit me to have a bridge bill considered? It is necessary to get the bill over to the House if there is to be any action taken on it at this session. Its consideration will require but a minute.

Mr. WARREN. Unless the bill occasions some delay, I will yield to the Senator for its consideration.

Mr. FLETCHER. I ask unanimous consent for the present consideration of Senate bill 5129.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., which was read, as follows:

Be it enacted, etc., That in order to facilitate intrastate commerce, improve the postal service, and provide for military and other purposes, Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the mouth of Garniers Bayou, in Okaloosa County, Fla., at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved

March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, any public agency or political subdivision of said State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of the State of Florida governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rate of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefore, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not exceeding 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said Thomas E. Brooks, and his associates and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Florida, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion costs. The Secretary of War may, upon request of the Highway Department of the State of Florida, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Thomas E. Brooks, his associates and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The finding of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in the court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns; and any corporation or person to which or to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER BRIDGE, JANESVILLE, WIS.

Mr. BLAINE. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.

Mr. WARREN. Mr. President, I understand that there is some necessity for haste in the case of the bill for which the Senator from Wisconsin asks consideration, and, unless it shall lead to some debate, I shall yield for that purpose.

Mr. SMOOT. Is the bill in the regular form of bridge bills?

Mr. BLAINE. It is in the regular form of such bills. It has passed the House of Representatives, and has been favorably reported by the Committee on Commerce of the Senate. The bridge proposed to be constructed is to be a free, public bridge. It is very essential to have the notice for the letting of the contract published immediately.

Mr. SMOOT. Mr. President, why would it not be a good idea to ask unanimous consent that all of the bridge bills which are in the usual form be passed?

The PRESIDING OFFICER. There is an appropriation bill before the Senate at this time, and the Senator from Wisconsin [Mr. BLAINE] has asked unanimous consent for the immediate consideration of the bill named by him.

Mr. SMOOT. I am not objecting to the consideration of that bill, but I only thought we might clear the calendar of bridge bills.

Mr. WARREN. We want to consider, and, if possible, complete the pending bill to-night, and then to-morrow we may consider the calendar and go through with all the bridge bills.

Mr. SMOOT. I merely suggested that the bridge bills should be passed.

Mr. DALE. There is one bridge bill on the calendar to which there is objection.

Mr. SMOOT. Then, of course, I should not press the suggestion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin for the consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska;

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 11859. An act for the relief of B. C. Miller; and

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes.

Mr. DILL. Mr. President, this appropriation bill has come up without any notice of any kind. Does not the Senator from Wyoming think there ought to be a quorum present so that Senators may know that the bill is being considered?

Mr. WARREN. Is it the intention of the Senator from Washington to suggest the absence of a quorum?

Mr. DILL. I think it is only fair to Senators who have gone away thinking that the cruiser bill was the only bill which would be considered during the remainder of to-day's session.

Mr. WARREN. The Senator from Washington has the right to suggest the absence of a quorum, and, of course, I do not care to object, and shall not do so.

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The roll will be called.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	Keyes	Shortridge
Barkley	Frazier	McKellar	Simmons
Bayard	George	McMaster	Smoot
Bingham	Gerry	McNary	Steiwer
Black	Gillett	Mayfield	Stephens
Blaine	Glass	Moses	Swanson
Blease	Glenn	Neely	Thomas, Idaho
Borah	Goff	Norris	Thomas, Okla.
Bratton	Greene	Nye	Trammell
Brookhart	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Burton	Harrison	Pine	Vandenberg
Capper	Hastings	Ransdell	Wagner
Caraway	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Robinson, Ind.	Walsh, Mont.
Curtis	Heflin	Sackett	Warren
Dale	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Fess	Kendrick	Shipstead	

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

The first amendment of the committee will be stated.

The CHIEF CLERK. On page 2, at the beginning of line 9, it is proposed to insert "additional secretary to the President, $10,000."

Mr. WARREN. I offer a substitute for the committee amendment.

Mr. McKELLAR. Mr. President, will the chairman of the committee explain why it is that provision is made in this bill for an additional secretary to the President? We have had many Presidents who have gotten along with one secretary and his assistants. Why is it necessary to have an additional one for the incoming President?

Mr. WARREN. I assume that the duties of the office will require additional help. As a matter of fact, there are now two secretaries in the Executive Office, although there is only one secretary appropriated for as such. This amendment gives the incoming President an additional secretary in the regular way by an appropriation as a separate item in the bill. The item, of course, came from the Budget Bureau in the regular way.

Mr. McKELLAR. Does the amendment mean that there will be three secretaries to the new President?

Mr. WARREN. There will be three when this bill shall have become a law, if the amendment shall be agreed to.

Mr. McKELLAR. At $10,000 each?

Mr. WARREN. There will be three at $10,000 each.

Mr. CARAWAY. Is that two more than the present President has?

Mr. WARREN. It is one more, so far as the record shows; in fact, there will be but one more in the service.

Mr. CARAWAY. As a matter of fact, there will be two more than he now has?

Mr. WARREN. As a matter of fact, there will be one more than he now has in the service.

Mr. OVERMAN. Mr. Clark is a secretary at the White House, but he does not get $10,000 a year. This amendment really amounts to providing for two more secretaries, giving three at $10,000 each.

Mr. CARAWAY. Was there some reason shown for it?

Mr. OVERMAN. Mr. Hoover wanted it; that is all I know.

Mr. CARAWAY. That might not constitute a reason.

Mr. McKELLAR. Mr. President, I am not going to oppose the amendment, though I wish to express my own opposition to it. I can not, however, imagine what circumstances in the world would require the incoming President of the United States to have three secretaries, for the secretarial work of the Executive Office is now conducted, I think, very splendidly with one secretary and the assistants that he has. It looks like legislation merely for the purpose of making a place for somebody. I do not think the Congress ought to do that, and I want to express my disapproval of it.

Mr. WARREN. I am sorry the Senator disapproves; but as I have stated, it is only an increase all together of one secretary for the incoming President.

Mr. SMOOT. Mr. President, I want to call attention to the fact that President Harding—and President Wilson, if I remember correctly—had an item put in the appropriation bill for an extra man, although he was not called a secretary.

Mr. OVERMAN. But not an extra $10,000 man.

Mr. McKELLAR. My impression is that the secretary to President Wilson received at first a salary of $6,500, which perhaps was raised to $7,500. Now it is proposed to have three secretaries at $10,000 each. I merely want to express my absolute disapproval of any such action as is proposed. It looks as if we are merely legislating offices for certain people. I think that is a very unwise policy. I believe one secretary and his assistants can do all the work that is necessary to be done in the Executive Office, and I do not think we ought to expend the people's money in any such way as is here proposed.

Mr. CARAWAY. Mr. President, I do not understand the chairman of the committee. I am told by one Senator that it means two secretaries, and the Senator from Wyoming then says, in effect, it means one additional secretary. What is the correct number?

Mr. WARREN. I have already stated to the Senator from Tennessee, who preceded the Senator from Arkansas, what the amendment means; but he immediately said it meant something else, which I did not say. At the present time the President has one secretary, who is on the rolls at $10,000; he has another who is performing service along practically the same line. I do not know how much the President pays him from his private funds, but I assume that the second secretary probably receives at least $7,500 from the United States, because he would be entitled to that much.

Mr. CARAWAY. Oh——

Mr. WARREN. Wait a moment.

Mr. CARAWAY. I am waiting.

Mr. WARREN. Now we are asked here for another one, which will make three, whereas the present President has two. The difference is that these three are to be at $10,000 each.

Mr. CARAWAY. Do I understand the Senator to say that the present President has a private secretary that he is paying out of his own funds?

Mr. WARREN. No; I do not say that.

Mr. CARAWAY. Then what did the Senator say?

Mr. WARREN. If the Senator will just listen——

Mr. CARAWAY. I am listening.

Mr. WARREN. I say that he has two of them. One of them is paid $10,000, and the other probably $7,500, because he is being paid out of the general lump sum appropriated for the employees of the Executive Office. We have no way of knowing—at least, I do not have—what the President may pay him from his private funds, because he is a very efficient and a very fine man.

Mr. SMOOT. Mr. President, he is paying him $7,000 now.

Mr. McKELLAR. Mr. President, is not this amendment subject to a point of order? I am not going to make a point of order, however.

Mr. WARREN. It is not subject to a point of order, let me say, because, first, it comes here from the Bureau of the Budget. Furthermore, it is approved by the committee; and not only is it approved by the committee but on a list in which 19 men in the committee approved it the amendment has gone in.

Mr. McKELLAR. I am not going to make a point of order against the amendment; I stated that at the very beginning; but I think it is subject to a point of order. It is creating the office of another secretary to the President. It is clearly out of order. It is general legislation on an appropriation bill.

Mr. WARREN. It was estimated for.

Mr. McKELLAR. It may have been estimated for, but it is subject to the point of order that it is general legislation. I want to say, however, that I am not going to raise that point of order. It is general legislation. There is no reason established for it. I have asked Senators to give a reason for it—why the present President can get along with one secretary and we have to have three secretaries for the incoming President.

Mr. WARREN. I have told the Senator from Tennessee three of four times over, and I have told another Senator, that the present President has two secretaries, and the Senator insists upon saying that he has but one.

Mr. McKELLAR. The new President can pay a third one in the same way; he can pay a fourth one in the same way that the present President pays the second one.

Mr. WARREN. The Senator from Tennessee can tell the new President what to do. I do not wish to be too previous here before he is even sworn in.

Mr. McKELLAR. I am expressing my opposition to this amendment. I think it is unwise legislation. I want to vote against it. I want it submitted to the Senate so that I can vote against it.

Mr. CARAWAY. Mr. President, if the Senator from Tennessee is through, I desire to ask a question. I just want to understand the matter. My interest in it arises from newspaper and other reports that have come to my attention. Is this for the purpose of taking care of one particular person that the incoming President has in mind?

Mr. WARREN. I have no knowledge at all of that.

Mr. CARAWAY. Is Mr. Richey to be this second secretary?

Mr. WARREN. I can not tell the Senator.

Mr. CARAWAY. Is he the one who is on the President's private pay roll that the Senator says he may be paying so much from this lump sum?

Mr. SMOOT. No; he is not, Mr. President.

Mr. CARAWAY. Well, who is that?

Mr. SMOOT. Mr. Richey is the private secretary of Mr. Hoover.

Mr. WARREN. Let me say to the Senator that it is not my intention to interfere with the wishes of the President elect so far as I may know them. I have not met him for a long time. I have had no recent conversation at all with him. I am proceeding in the regular way, as these things come to us with the approval of the committee to whom they were submitted.

Mr. CARAWAY. But the Senator talked as though he did not think we ought to have the information. I am trying to find out. I am not a member of the Appropriations Committee, and none of those things appear in its report, and I was just trying to ascertain the facts. I am sure the Senator is familiar with the report that has gone around, and I just wanted to ascertain whether this amendment was for the purpose of taking care of this particular person.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state how much of an increase is carried by this bill in the appropriation for secretarial and clerical services for the President? What is the total increase for clerical and secretarial services?

Mr. WARREN. The new secretaries will be three at $10,000 apiece.

Mr. WALSH of Massachusetts. How much more are we appropriating?

Mr. WARREN. It simply amounts, all together, to one more secretary.

Mr. WALSH of Massachusetts. Ten thousand dollars more than heretofore?

Mr. WARREN. Yes, and $2,500 more, perhaps, for the other secretary.

Mr. OVERMAN. No, Mr. President.

Mr. WALSH of Massachusetts. I wish we could have that information. One member of the committee says, "No," and another shakes his head. How much more are we appropriating in this bill for the Executive Office than we appropriated last year?

Mr. WARREN. One at $10,000, and a second one at $10,000, who has been receiving $7,500 before. It will cost $10,000 for one and $2,500 for one of the others.

Mr. WALSH of Massachusetts. Does the Senator from North Carolina [Mr. OVERMAN] agree to that?

Mr. OVERMAN. The Senator from Massachusetts wishes to know the total amount appropriated for the Executive Offices in this bill?

Mr. WALSH of Massachusetts. Compared with last year's bill, how much more money will the next President be able to spend for clerical assistance for the Executive Offices than the present President?

Mr. FLETCHER. The total amount for the Executive Offices is $468,120.

Mr. WARREN. It would be $12,500 more, all together.

Mr. OVERMAN. The fact is that the new President is going to have three secretaries at $10,000 each. That is the truth.

Mr. WALSH of Massachusetts. It is either $30,000 or $12,000. Which is it? Does anybody know?

Mr. OVERMAN. I do not know how much Mr. Clark is paid, and nobody knows. Mr. Clark is now the personal secretary to the President, and I do not know how much he is paid, and nobody else knows how much he is paid. The truth is, however, that Mr. Hoover will have three secretaries at $10,000 each.

Mr. SWANSON. Mr. President, let me see if I understand that. I understand that there is a new secretary provided for at $10,000, and that the salary of one secretary is increased from $7,500 to $10,000, which makes an increase of $12,500. I wish that had been stated half an hour ago.

Mr. WALSH of Massachusetts. Does the Senator from Utah [Mr. SMOOT] agree to that?

Mr. SMOOT. My attention was distracted for a moment. I do not know what the statement was to which the Senator refers.

Mr. FLETCHER. Mr. President, it seems as though we are getting away from "Coolidge economy" already, and making a pretty rapid step here in the first section of the bill.

I am going to ask that the Chair put the question. I do not want the RECORD to show that this is done by unanimous consent.

The VICE PRESIDENT. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. In lieu of the committee amendment it is proposed to insert:

Two additional secretaries to the President, $10,000 each.

Mr. FLETCHER. There is another one. Then the committee amendment has been changed?

Mr. WARREN. The committee amendment; yes.

Mr. FLETCHER. And you are going to add two.

The VICE PRESIDENT. This is proposed in lieu of the committee amendment.

Mr. FLETCHER. We have been talking about the provisions of the bill.

Mr. SMOOT. There is no question about the fact that if the amendment is agreed to there is an addition of $20,000.

Mr. FLETCHER. Twenty thousand dollars? We have gone up $10,000 already.

Mr. SMOOT. That is the increase over last year.

Mr. FLETCHER. We started with an increase of $10,000. Now it has gone up to $10,000 more, or $20,000 all together.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Let us have a roll call. I ask for the yeas and nays.

Mr. WARREN. Why does the Senator want to delay us?

Mr. McKELLAR. Let us have the yeas and nays.

The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, line 11, after the words "in all," to strike out "$103,520" and insert "$113,520, of which $10,000 shall be immediately available."

The amendment was agreed to.

The next amendment was, on page 3, line 20, to change the total appropriation for the Executive Office from $458,120 to $468,120.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Efficiency," on page 9, line 8, after the words "in all," to strike out "$223,830" and insert "$227,630," and in line 9, after the word "exceed," to strike out "$217,780" and insert "$221,580," so as to read:

For chief of bureau and other personal services in the District of Columbia; contract stenographic reporting services; contingent expenses, including traveling expenses; supplies, stationery; purchase and exchange of equipment; not to exceed $100 for law books, books of reference, newspapers, and periodicals; and not to exceed $150 for street-car fare; in all $227,630, of which amount not to exceed $221,580 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to strike out:

Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, for inclusion in the annual Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year; and the Budget shall include a statement, following the estimate for the Bureau of Efficiency, of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency.

Mr. DILL. Mr. President, just a moment: What is this? What is the purpose of striking out of the bill this language about the Bureau of Efficiency?

Mr. WARREN. It strikes out a paragraph put in by the House, changing the mode in which the Chief of the Bureau of Efficiency reports. The Chief of the Bureau of Efficiency objected to it, and I communicated with the House committee and found that the House committee themselves did not know about its being obnoxious to the Bureau of Efficiency, and hence they seemed willing to have it stricken out.

Mr. SMOOT. I will say to the Senator that with that language in the bill we are going right back to the old Taft Commission. That is what that means. It was passed by the House; and, as the Senator says, when the attention of the

members of the House committee was called to it, they, of course, would not for a minute think of going back to the old Taft Commission.

Mr. DILL. As I read it, this simply proposes that the chief of the bureau shall present an estimate of the appropriations for the ensuing year, and a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year. What has that to do with the Budget?

Mr. SMOOT. It is not the Budget.

Mr. McKELLAR. Mr. President——

Mr. DILL. The Senator says it is going back to the budget of the Taft administration.

Mr. SMOOT. This is the Bureau of Efficiency.

Mr. McKELLAR. If the Senator will yield to me, I think I can tell him what is the trouble. The trouble is that the Bureau of Efficiency is one of those useless bureaus that ought not to exist under this Government. It is a fifth wheel on the wagon. It has no part in the Government. We ought not to let it exist a moment longer. It ought to be stricken out entirely. A certain gentleman has just kept it going for a number of years. In my judgment, the chief of this bureau serves no useful purposes as an employee of the Government; and the bureau ought to be abolished, and ought to have been abolished long ago.

Mr. SMOOT. Mr. President, I want to say to the Senator that the only use of the Bureau of Efficiency is that it saves the Government tens of thousands and hundreds of thousands of dollars a year.

Mr. DILL. Mr. President, if that is the case, wherein is it objectionable to have an estimate of the amount that has been saved and will be saved?

Mr. SMOOT. Those reports are already made.

Mr. DILL. The Senator says the purpose of this bureau is to save money, and here is a provision requiring them to make a statement about it; and the Senator says it goes back to the Taft Commission. That does not mean anything to me.

Mr. WARREN. Mr. President, may I have the Senator's attention for just a moment?

Mr. DILL. I want to know what is wrong with this provision of law that requires them to make these estimates.

Mr. WARREN. I take it that the Senator is seeking to know what it means. The Chief of the Bureau of Efficiency makes these reports; but in going into one of the departments where he believes there are more clerks than they need, or their salaries are disarranged, and so forth, when he is invited to go there to look it over, as it is his duty to do, he makes the reports immediately, and those reports go back to the same place. Where he has exercised his judgment in reporting, it leads sometimes to a provision against his going into that department. In fact, as it is now, the chairman or his representative does not go into any department except where he is invited to go; and the idea of striking that out in the case of those early reports is in the interest of saving money, and making reports that may be of avail.

Mr. SMOOT. May I read just a short statement here? I think it will clear the Senator's mind.

Mr. DILL. All right.

Mr. SMOOT (reading):

> The requirement that we publicly certify to the savings effected by us would be most unfortunate. Our success has been due largely to our going about our work in the various Government establishments quietly, gaining the cooperation of the administrative officials, and with their support installing the improved methods we have developed. The results of our efforts have been reported to Congress—

And the Senator will find, if he desires to look at it, a statement of what is called for here—

> and until this year it has deferred to our wish that the details thereof be not published.

I could stand here and tell the Senator the different departments that have asked the Bureau of Efficiency to come in and reorganize their whole systems. I remember Postmaster General Burleson stated time and time again that the Bureau of Efficiency, after going into the Post Office Department, had recommended methods that saved hundreds of thousands of dollars to the Government of the United States.

Mr. DILL. Mr. President, the letter which the Senator has been reading is not responsive to the language of this amendment.

Mr. SMOOT. We think it is.

Mr. DILL. That letter says they do not want announced ahead of time what they are going to do. This language would require them to report afterwards what they had done. It looks to me as if this is a method on the part of the House of requiring the Bureau of Efficiency to justify their existence. That is what this wording provides, and the Senate committee wants it stricken out. The wording of this provision is very clear. It simply asks for a statement of the amounts saved and how they saved them. That would not require them to tell what they were going to do.

Mr. GLASS. Mr. President, as a member of the committee, I will say that no reason satisfactory to me was ever given why this language should be stricken out. There appeared a statement as to savings inaugurated upon recommendations of the Bureau of Efficiency. It was mere speculation. For instance, we had one item above $60,000 that would be saved provided a particular bureau would accept the suggestions of the Bureau of Efficiency, but we had nobody from the bureau to be affected before us to tell us whether or not that statement was accurate. The probability is that had we brought somebody from that bureau before the committee he would have said they would not save a dollar by those methods. So I say that, for myself, no satisfactory reason was ever given to me why this language should be stricken out.

Mr. DILL. Mr. President, the letter which the Senator read does not meet this situation at all, because the letter is an argument that this language should be stricken out because it would result in announcing ahead of time what they were going to do. This language does not say that at all. This provides:

> Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, for inclusion in the annual Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year; and the Budget shall include a statement, following the estimate for the Bureau of Efficiency, of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency.

I think this language is extremely in point, in view of the statement of the Senator from Tennessee, namely, that the bureau is not serving any purpose.

Mr. GLASS. I want to say, for myself, that I think the bureau has served a tremendously useful purpose; but that does not mean that I agree with every recommendation the bureau makes. This is one it has made with which I do not agree, and with which I did not agree in the committee.

Mr. SMOOT. Mr. President, this letter further reads:

> We have found that our work is considerably hampered by the publication of the savings effected by us, because of the fact that the average Government official feels that a statement indicating a large saving in his office will be interpreted as a criticism of his administration. In fact, it was that very practice of publicly reporting savings followed by the President's Commission on Economy and Efficiency that led to the commission's abolishment; and we are convinced that by the enactment of such a provision as contained in the House bill the doors of many of the establishments wherein we are now accomplishing large savings by our research will be barred against us.

Mr. McKELLAR. Mr. President, I want to say that, in my judgment, this is just one of the absolutely useless bureaus of this Government which ought to be abolished entirely. The Comptroller General's office really does all that this bureau might do for that matter. I understand that Mr. Brown, the head of this bureau, goes around and tells other people what to do. We have no evidence—and never have had any evidence—that they have ever accomplished any good. I have read their reports, and when you read one of their reports you can not find that they have ever saved anything, except theoretically. There is nothing actual about it.

The fact of the matter is just this: That several years ago this bureau was established and year by year we have just continued to appropriate more and more money to keep it going. They have a lot of employees. They have what they call an organization and they are continually adding to it. What they are doing nobody knows, and when they are asked by Congress to tell what they have been doing they are around lobbying to get the language of the House stricken out. That is the truth about the matter and we all know it. If we are going to vote for it, let us vote for it and keep this useless organization going on. There has been a fight over it ever since it was established because it has not done any good. We ought to abolish it instead of appropriating money for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. I just want to give notice now that when the appropriation for this comes up next year, I propose to have witnesses before the committee, and to take evidence, and see what this commission is doing. I am giving notice of that right now.

Mr. DILL. Mr. President, if the Senator does that, he will embarrass the commission. If it tells anybody what it does, that will be embarrassing. They have gotten the executive-session idea down there. They have it in the Treasury Department, and now they want to carry it into this Efficiency Bureau, and when it is proposed that the light be turned on them, they do not want anybody to know what they have done.

Mr. McKELLAR. I agree with the Senator about that, but we are going to have some facts before any other appropriation is made for this bureau. If they are not willing to come and make a report to the Congress, as provided by the House language, we will see that they make a report when they come before the committee next year.

Mr. GLASS. Mr. President, had this been a matter that involved an appropriation of a million dollars, no head of a bureau could have been more insistent or have clung more tenaciously to the heels of the Appropriation Committee than the director of this Efficiency Bureau upon this mere question of giving information as to what it was doing.

Mr. McKELLAR. I will say to the Senator that it has not been for this year only. It is constantly doing the same thing, and has been doing it for years, simply because the head of that bureau knows there is no reason for the commission over which he presides.

Mr. GLASS. I do not take that position, but there is no reason on the face of the globe why the Congress of the United States should not know what the commission is doing, and there is no reason why any department of this Government, or any bureau of this Government, should not be given an opportunity to combat statements made by this bureau, if they are inaccurate, as I have reason to think some of theirs are.

Mr. WARREN. Mr. President, I will say to the Senator that the report of this bureau is published, and contains every item that was appropriated for last year, and it will be the same as to the next year. But the information is not given out for publication in newspapers. It is reported to Congress regularly, and in the regular way comes to the committee.

Mr. DILL. What is the objection, then, to having it reported every year?

Mr. WARREN. I do not care to discuss the matter further with the Senator. Some of the States were anxious to elect a new President, and now some of them seem to be rather shy about giving him anything to work with hereafter.

Mr. DILL. That has not anything to do with the secrecy surroundings the activities of this bureau.

The next amendment was, on page 10, line 3, to change the total appropriation for the Bureau of Efficiency from $224,330 to $228,130.

The amendment was agreed to.

The next amendment was, under the heading "Civil Service Commission," on page 10, at the end of line 6, to strike out "$669,550" and insert "$672,610," so as to read:

Salaries: For three commissioners and other personal services in the District of Columbia, $672,610.

The amendment was agreed to.

The next amendment was, on page 12, line 11, to change the total appropriation for the Civil Service Commission from $1,223,802 to $1,226,862.

The amendment was agreed to.

The next amendment was, under the heading "Tariff Commission," on page 34, line 14, before the word "together," to strike out "$763,000" and insert "$764,000," and in the same line, after the words "together with," to strike out "$37,000" and insert "$36,000," so as to read:

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, payment in advance for subscriptions to newspapers and periodicals, and contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U. S. C. 1309, sec. 5), as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916 (U. S. C. 529–531, secs. 91–106), and under sections 315, 316, 317, and 318 of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922 (U. S. C. 575–576, secs. 154–158; 578–580, secs. 174–180, 182–190), $764,000, together with $36,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928, of which amount not to exceed $690,000 may be expended for personal services in the District of Columbia and not to exceed $2,000 for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the commission.

The amendment was agreed to.

The next amendment was, on page 35, line 8, to change the total appropriation for the Tariff Commission from $788,000 to $789,000.

The amendment was agreed to.

The next amendment was, on page 47, line 13, to change the total appropriation contained in this act from $541,314,144 to $541,332,004.

The amendment was agreed to.

Mr. DILL. Mr. President, I want to ask the Senator from Wyoming about the appropriation for the Radio Commission, found on page 17. I want to ask how the amount appropriated there, $119,000, was arrived at. I understand that the appropriation is made on the basis of the idea that the commission will be an appellate body, and unless legislation is passed it will be an appellate body; but what I want to know was how the amount of $119,000 was arrived at.

Mr. WARREN. Mr. President, I take it that the House committee was fully advised as to all the facts, because they had full hearings over there, and it was nothing with which the Senate committee had to do.

Mr. SMOOT. Does the Senator want the information as to every item?

Mr. DILL. I just wanted to know if that amount was based on estimates from the commission itself or whether it was an estimate carried over from an old bill.

Mr. SMOOT. It is an estimate made through the Bureau of the Budget. I suppose they got their information from the Radio Commission. I have here the information as to the number of employees, what they are paid, and the amount of the appropriations. Every single item is covered here.

Mr. DILL. If the legislation pending to continue the original jurisdiction of the commission should pass, they would probably need an additional appropriation; but that would come in a deficiency appropriation bill.

Mr. SMOOT. That would come in a deficiency appropriation bill; yes.

Mr. DILL. I was wondering whether this was the amount that had been requested by the commission.

Mr. SMOOT. It is the amount requested by the commission, and not only that, but by the Bureau of the Budget.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I suggest the amendment which I send to the desk.

The CHIEF CLERK. On page 3, line 4, after the word "repair," to insert the words "and alteration," and in line 10 to strike out "$116,000" and to insert in lieu thereof "$166,750, which shall be immediately available."

The amendment was agreed to.

Mr. WARREN. Mr. President, I move the adoption of the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 3, line 10, insert a new paragraph, as follows:

Purchase for the Executive Mansion of an oil portrait of President Coolidge, including frame for same, to be expended as the President may direct, $5,000, to be immediately available.

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask that the clerk be authorized to correct the totals.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 39, line 21, to strike out "$350,000" and substitute in lieu thereof "$300,000."

Mr. BLACK. Mr. President, it may be that the committee will accept the amendment. If it should not, I want to state the purpose of it.

Mr. SMOOT. Mr. President, that is the same proposition that was up before. It affects the attorneys of the Shipping Board. The Senate passed upon that question before.

Mr. McKELLAR. Does the Senator know that during the year the Shipping Board has sold vast numbers of its ships,

or, rather, has transferred them? I do not think there has been much of a sale, because they did not receive any compensation, and I regard compensation as necessary to a sale. They have disposed of a very large number of ships, and it is claimed the organization has been greatly lessened. They say they have discharged a great many employees. Yet we are asked to appropriate the same amount we appropriated last year. It ought to be lessened.

Mr. SACKETT. Can the Senator say how many ships we have sold and how many employees were discharged?

Mr. McKELLAR. I can not say. I was in General Dalton's office the other day and, as I remember, he showed me at least two pages, and perhaps three, containing the names and numbers of ships that had been sold.

Mr. SACKETT. In the last year?

Mr. McKELLAR. As I understood him, in the last year. There were quite a large number of them, as shown on this paper.

Mr. SACKETT. Can the Senator give any idea of the proportion or number that are operated and owned?

Mr. McKELLAR. No; I can not. I just remember seeing the list. In addition to that, I was told that they were discharging employees all the time.

Mr. WARREN. There are a great many ships mentioned as being sold, but very few have been sold. The newspapers have told of bids, but the bids have not been accepted.

Mr. McKELLAR. I know a number of ships were sold to the Dollar Line, a very large number of ships, and to a number of other lines. I happened to be in his office and he showed me the list of the ships that had been sold.

Mr. WARREN. As I understand the Senator from Alabama, he wishes to reduce the amount to $50,000?

Mr. BLACK. Yes.

Mr. WARREN. While I do not know about it, yet I am willing to accept the amendment if the Senator understands that when we get to conference we have to meet the views of the other body in some fashion, either give or take. I remember that last year the Senator differed quite materially from the conference report when it came back and caused a considerable delay. I hope the Senator, if we accept his amendment and do the best in conference, will be ready to accept the conference report.

Mr. BLACK. When the conferees reported last year, there was a tacit understanding that there would be a complete investigation made before the next appropriation bill came up. I sent to the House for the hearings and found there had been no hearings. I sent to the House for the hearings to learn if possible upon what basis they reached the conclusion that the appropriation should remain the same as before. I do not want to delay the bill this year, and should like to have the suggestion of the Senator, if he accepts the amendment, that a fair and, as far as possible, an exhaustive investigation will be made, because I am absolutely satisfied if such an investigation were made the amount would be reduced.

Mr. WARREN. I am ready to accept the amendment.

The amendment was agreed to.

Mr. WHEELER. Mr. President, I send to the desk an amendment which I ask may be read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 23, line 3, strike out "$2,834,464" and insert "$2,887,000."

Mr. WARREN. Mr. President, I understand the amendment offered by the Senator from Montana. It is with reference to a matter that came before the committee and did not receive a majority vote, although it was of a nature that is entirely all right to be considered here. It was regularly budgeted and asked for; in fact, the chief justice of the commission has been before the committee. It means about a dozen field inspectors and an increase of about $50,000, so I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. WHEELER. That will necessitate another amendment in line 4.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 23, line 4, strike out "$2,209,464" and insert "$2,250,000."

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 39, line 6, insert the following:

No part of the sums appropriated in this act shall be used to maintain the sea service bureau.

Mr. WARREN. Mr. President, I will state my understanding of the proposed amendment. The place where it is indicated to be inserted, on page 39, after the first paragraph, is not the proper place for such an amendment. The amendment refers in no way to that paragraph or to anything on that page. We had no Budget action behind it. No department has asked for it. I think it is subject to a point of order on account of being legislation on an appropriation bill. There is no appropriation in the bill for anything named "sea service." If it were payable at all, it would be from some lump-sum appropriation that is not designated.

Mr. SMOOT. Mr. President, if the Senator from Minnesota wants to abolish the sea service bureau entirely, this is the way to do it. There would be nothing to take its place in any legislation. The Senate has voted upon this question time and time again.

Mr. SHIPSTEAD. And the Senator voted in favor of the amendment twice.

Mr. SMOOT. I do not remember of ever having voted for it.

Mr. SHIPSTEAD. It was agreed to by unanimous consent.

Mr. SMOOT. We may have let it go in by unanimous consent.

Mr. McKELLAR. Mr. President, the Senator from Wyoming said that the sea service bureau is not appropriated for in terms. How are the expenses of it paid if it is not appropriated for?

Mr. SMOOT. It is paid out of a lump-sum appropriation.

Mr. McKELLAR. Of course the amendment would be in order under those circumstances.

Mr. SMOOT. All I want to say to the Senate is what I have said before, that if the amendment is adopted we will have no sea service and no one to render the services which are now rendered by that bureau. The whole service would be demolished. This is not the way to accomplish the Senator's purpose. Of course, if he wants to abolish the bureau he should introduce a bill and have it go through the regular course of procedure and provide that it shall take effect upon a certain date. That is the only way he can possibly do it without bringing untold hardship and perhaps untold loss to the service.

Mr. McKELLAR. What is the service that the bureau performs?

Mr. SMOOT. They select the seamen to furnish our own vessels with men. That is one of the functions they perform. I hope the Senator will not even ask a vote on it.

Mr. SHIPSTEAD. I am very thankful to the Senator for his advice. However, I shall address the Senate upon the subject at length. I would like to have it go over until to-morrow.

Mr. WARREN. Is the Senator ready to let it go to a vote now?

Mr. SHIPSTEAD. I am not sure how many Senators may have the point of view of the Senator from Utah. I hope to convince the Senator from Utah that he is mistaken.

Mr. SMOOT. The Senator from Utah has given a great deal of attention to the matter. So far as I am personally concerned, I am perfectly willing to do as we did a year ago—let the item go into the bill and let it go to conference. If the House agrees to it, of course, it will stay there.

Mr. SHIPSTEAD. Is the chairman of the committee willing to do that?

Mr. WARREN. The Senator from Utah, who has just spoken, will probably be one of the conferees, and if it meets with his approval I am willing not to press the point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments to be proposed, the bill, as in Committee of the Whole, will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Friday, February 1, 1929, at 12 o'clock meridian.

CONCILIATION WITH THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington, January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Serbs, Croats and Slovenes, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Serbs, Croats and Slovenes:

Mr. Bojidar Pouritch, Chargé d'Affaires ad interim of the Kingdom of the Serbs, Croats and Slovenes at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of the Kingdom of the Serbs, Croats and Slovenes, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and the High Contracting Parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Serbs, Croats and Slovenes in accordance with the constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
BOJIDAR POURITCH [SEAL]

ARBITRATION WITH THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Serbs, Croats and Slovenes.

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Serbs, Croats and Slovenes:

Mr. Bojidar Pouritch, Chargé d'Affaires ad interim of the Kingdom of the Serbs, Croats and Slovenes at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an ap-

propriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of the Serbs, Croats and Slovenes in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of the Kingdom of the Serbs, Croats and Slovenes in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of the Serbs, Croats and Slovenes in accordance with the constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
BOJIDAR POURITCH [SEAL]

CONCILIATION WITH BULGARIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Bulgaria, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Bulgaria, signed at Washington January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Bulgarians, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Bulgaria, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
S. RADEFF [SEAL]

ARBITRATION WITH BULGARIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Bulgaria, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratifi-

cation, if his judgment approve thereof, a treaty of arbitration between the United States and Bulgaria, signed at Washington January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Bulgarians,

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal, if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Bulgaria in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties.

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine.

(d) depends upon or involves the observance of the obligations of Bulgaria in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
S. RADEFF [SEAL]

NOMINATIONS

Executive nominations received by the Senate January 31, 1929

COLLECTOR OF CUSTOMS

Walter J. Wilde, of Milwaukee, Wis., to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis. (Reappointment.)

JUDGE OF DISTRICT COURT

James J. Lenihan, of Iowa, for appointment as judge of the District Court of the Canal Zone, provided for by the Panama Canal act, approved August 24, 1912, as amended.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

ORDNANCE DEPARTMENT

Capt. Ernest Cleveland Bomar, Coast Artillery Corps (detailed in Ordnance Department), with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

VETERINARY CORPS

To be colonels

Lieut. Col. William Adalbert Sproule, Veterinary Corps, from January 27, 1929.

Lieut. Col. Walter Fraser, Veterinary Corps, from January 29, 1929.

UNITED STATES NAVAL RESERVE

Lieut. Ross F. Collins, United States Naval Reserve, to be a lieutenant commander, United States Naval Reserve, to rank next after Julian L. Woodruff.

POSTMASTERS

ALABAMA

James W. Snipes to be postmaster at Florala, Ala., in place of J. W. Snipes. Incumbent's commission expired January 27, 1929.

Elizabeth H. Siddall to be postmaster at Girard, Ala., in place of J. K. Siddall, resigned.

Sister M. Loreta to be postmaster at Holy Trinity, Ala., in place of Sister M. Loreta. Incumbent's commission expired January 27, 1929.

Allen R. Byrd to be postmaster at Luverne, Ala., in place of A. R. Byrd. Incumbent's commission expired March 1, 1927.

Jesse D. Newton to be postmaster at Odenville, Ala., in place of J. D. Newton. Incumbent's commission expired January 27, 1929.

John F. Morton to be postmaster at Tuscaloosa, Ala., in place of J. F. Morton. Incumbent's commission expires February 9, 1929.

Evelyn E. Morgan to be postmaster at Uniontown, Ala., in place of E. E. Morgan. Incumbent's commission expired January 27, 1929.

ARKANSAS

Pearl Knod to be postmaster at Gillham, Ark., in place of Pearl Knod. Incumbent's commission expires February 10, 1929.

Estelle Baynham to be postmaster at Success, Ark., in place of Estelle Baynham. Incumbent's commission expires February 10, 1929.

CALIFORNIA

Wesley A. Hill to be postmaster at Eureka, Calif., in place of W. A. Hill. Incumbent's commission expired March 7, 1928.

Edna M. Sheridan to be postmaster at Monte Rio, Calif., in place of E. M. Sheridan. Incumbent's commission expired December 17, 1928.

William R. Cregar to be postmaster at Oceanside, Calif., in place of W. M. Whitney, removed.

CONNECTICUT

Fred T. Koehler to be postmaster at Windsor Locks, Conn., in place of F. T. Koehler. Incumbent's commission expires February 10, 1929.

GEORGIA

Josie M. Crawford to be postmaster at Dalton, Ga., in place of J. M. Crawford. Incumbent's commission expires February 10, 1929.

IDAHO

Eudora D. Blood to be postmaster at Dover, Idaho, in place of E. D. Blood. Incumbent's commission expires February 9, 1929.

ILLINOIS

Eva B. Perryman to be postmaster at Cowden, Ill., in place of L. H. Perryman, resigned.

Nathan T. Lawrence to be postmaster at Dongola, Ill., in place of J. F. Armentrout. Incumbent's commission expired June 6, 1928.

INDIANA

Fred Rohrer to be postmaster at Berne, Ind., in place of Menno Burkhalter, resigned.

Floyd Coomler to be postmaster at Lagro, Ind., in place of Floyd Coomler. Incumbent's commission expires February 10, 1929.

LOUISIANA

Jason Taylor to be postmaster at Newellton, La., in place of A. B. Netterville. Incumbent's commission expired May 12, 1928.

MINNESOTA

Edwin O. Benthagen to be postmaster at Borup, Minn. Office became presidential July 1, 1928.

Elizabeth C. Bahr to be postmaster at Waconia, Minn., in place of A. J. Philippy, removed.

MISSISSIPPI

James M. Thames to be postmaster at Decatur, Miss., in place of R. F. McMullan, removed.

MISSOURI

Ira E. Knight to be postmaster at Conway, Mo., in place of I. E. Knight. Incumbent's commission expires February 7, 1929.

Bert G. Bottorff to be postmaster at New London, Mo., in place of Henry Dodge, deceased.

NEW MEXICO

George A. Titsworth to be postmaster at Capitan, N. Mex., in place of G. A. Titsworth. Incumbent's commission expires February 10, 1929.

NEW YORK

Bertha Howland to be postmaster at Lisle, N. Y., in place of Bertha Howland. Incumbent's commission expires February 10, 1929.

NORTH CAROLINA

Miles S. Elliott to be postmaster at Edenton, N. C., in place of M. S. Elliott. Incumbent's commission expires February 11, 1929.

A. Irvin Jolley to be postmaster at Mooresboro, N. C., in place of A. H. Greene, resigned.

OKLAHOMA

Jacob B. Sample to be postmaster at Bixby, Okla., in place of A. J. Brown, removed.

Bernard H. Buchanan to be postmaster at Collinsville, Okla., in place of B. H. Buchanan. Incumbent's commission expired January 16, 1928.

Joseph T. Dillard to be postmaster at Waurika, Okla., in place of J. T. Dillard. Incumbent's commission expires February 9, 1929.

PENNSYLVANIA

Jennie S. Curren to be postmaster at Gordon, Pa., in place of J. S. Curren. Incumbent's commission expired December 16, 1928.

David R. Whitehill to be postmaster at Strattanville, Pa., in place of D. R. Whitehill. Incumbent's commission expires February 9, 1929.

Eleanor Niland to be postmaster at West Brownsville, Pa., in place of M. E. Tunney, resigned.

SOUTH CAROLINA

John C. Jones to be postmaster at Allendale, S. C., in place of B. F. Foreman, removed.

Mack M. Stewart to be postmaster at Winnsboro, S. C., in place of M. M. Stewart. Incumbent's commission expired January 9, 1928.

TENNESSEE

Matthew C. Bratten to be postmaster at Liberty, Tenn., in place of M. C. Bratten. Incumbent's commission expired January 6, 1929.

TEXAS

Connie Stewart to be postmaster at New Waverly, Tex., in place of Connie Stewart. Incumbent's commission expired January 24, 1928.

Olive L. Adams to be postmaster at Olden, Tex., in place of Victoria Vermillion, resigned.

Ruth M. Fuqua to be postmaster at Pelly, Tex. Office became presidential January 1, 1929.

VIRGINIA

Charles E. Bevins to be postmaster at Coeburn, Va., in place of C. W. Kilgore, resigned.

James T. Reely to be postmaster at Middletown, Va., in place of B. B. Parker, deceased.

WASHINGTON

James B. Robertson to be postmaster at Kettle Falls, Wash., in place of E. C. Campbell, resigned.

WISCONSIN

George F. Kimball to be postmaster at Janesville, Wis., in place of A. E. Matheson, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1929

JUDGE OF CIRCUIT COURT

Harrie Brigham Chase to be circuit judge, second circuit.

UNITED STATES ATTORNEY

Wilfred J. Mahon to be United States attorney, northern district of Ohio.

POSTMASTERS

ARIZONA

Ruth L. Diamond, Seligman.

GEORGIA

L'Bertie Rushing, Glennville.
Henry C. Hays, Mansfield.

HAWAII

Frederick W. Carter, Waialua.

KENTUCKY

Katie B. King, Adairville.
Robert H. Middleton, Buffalo.
George W. Van Arsdall, Burgin.
Henry T. Short, Calhoun.
Maud McClure, Eubank.
Virgil A. Matthews, Fordsville.
Egbert V. Taylor, Greensburg.
Elmer Castle, Himlerville.
John A. Wisner, Kingswood.
Allen D. Thomson, Kuttawa.
William Rice, Manchester.
John P. Graham, New Haven.
Mack M. Noel, Outwood.
Cameron F. Dunbar, Russell Springs.
Stace W. Poole, Sebree.
Mabelle Sharp, Sharpsburg.
John E. Perkins, Whitley City.

MARYLAND

Louis H. Wise, Mechanicsville.

MICHIGAN

Harvey W. Raymond, Baraga.
Herbert G. Whitehead, Byron.
Claude B. Hoffmaster, Hopkins.
William J. Newton, Marysville.
Eugene W. Shober, Pentwater.

MISSOURI

Irene Shibley, Gorin.
Lonnie W. Hoover, Princeton.
Ralph W. Day, Summersville.

NEBRASKA

Mamie Mathews, Marsland.
Helen L. Pavlik, Weston.

OREGON

Karl R. Chapman, Reedsport.

PENNSYLVANIA

Grace Baker, Claysburg.
George L. Goodhart, Dayton.

TEXAS

Della Gordon, Arp.
Fay Richardson, Asherton.
Charles P. J. Ledwidge, Beaumont.
Lee M. Feagin, Colmesneil.
Theodore B. Newman, Fairfield.
Lottie H. Rector, McCaulley.
Cletus Dunham, Quitaque.

WISCONSIN

Eugene S. Tradewell, Antigo.
Miles M. Shepard, De Pere.
James J. Stoveken, Pembine.
George F. Fiedler, Seymour.
Magnus Magnusson, Washington Island.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 31, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of us all, the great world, which has become so endeared to us and which touches us on every side, is Thy world. Its streams of tendency flow around about the throne of omnipotence. Thy faithfulness is unto all generations, and the old earth has never been false to Thee. We have an ally in every star that shines and in every planet that moves. A sense of reproach is with us and we turn our faces earthward, for disturbance and confusion are from man. Pity us in our weakness and forgive us. Oh, kindle the hidden fires on the altars of our souls and let the heavenly virtues grow in the fullness of their bloom. May the wide sweep of duty be compassed by irresistible resolution and triumphantly borne where wisdom, knowledge, and faith are in full possession. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolution of the House of the following titles:

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. 194); and

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1513. An act granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines;

S. 3002. An act for the relief of Mina Bintliff;

S. 4604. An act for the relief of James L. McCulloch; and

S. 4736. An act for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind.

RIVER AND HARBOR IMPROVEMENTS

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of river and harbor improvements.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD on the subject of river and harbor improvements. Is there objection?

There was no objection.

Mr. ENGLAND. Mr. Speaker and Members of the House, in my judgment one of the most, if not the most, important bills now pending on the House Calendar is the rivers and harbors improvement bill, which by all means should be enacted into law before the adjournment of this session of Congress. If farm legislation is not taken up and disposed of at the present session, there no doubt will be an extraordinary session shortly after the adjournment of this session for the purpose of enacting farm legislation.

President-elect Hoover pointed out in his campaign for the Presidency three methods of giving aid to the farmers:

First. The passage of a law providing the necessary machinery for the marketing of farm products;

Second. A revision of the tariff; and

Third. The improvement of the rivers and harbors of the country.

In the event the rivers and harbors bill is not taken up for consideration at the present session of Congress, it should without question be considered as a part of the farm-relief program at the extra session. The President said in his message:

> River and harbor work ordered by the Congress not yet completed will cost about $243,000,000, besides the hundreds of millions to be spent on the Mississippi flood way.
>
> Until we can see our way out of this expense, no further river and harbor legislation should be passed, as expenditures to put it into effect would be four or five years away.

The authorized river and harbor work not completed prior to the act of September 22, 1922, was greater than at the present time, yet this fact did not prevent the Congress from passing the act of 1922, and the authorized rivers and harbors improvements not yet completed prior to the act of January 21, 1927, was greater than at the present time, and this fact did not prevent the passage of the 1927 act.

In the light of this legislative river and harbor history I feel that no good reason can be offered against the passage of the present bill, embracing improvements, the estimated cost of which is only $48,435,415.75.

This is one of the most important river and harbor improvement bills ever before the Congress and its passage should not be delayed. Again, the Government's annual expenditures for highways is approximately $100,000,000, and I am sure I would not want to see this expenditure curtailed, but on the other hand increased.

The annual expenditure for river and harbor improvements to afford better transportation facilities is less than half this amount. The river and harbor work is of such vast importance to the commerce of the country and our national prosperity, the completion of same should be had at the earliest possible time.

I desire also to include as a part of my remarks a speech of Mr. Ernest M. Merrill, an expert engineer and president of the Great Kanawha Valley Improvement Association, delivered January 8, 1929, before the transportation committee of the Charleston Chamber of Commerce, which is as follows:

OPENING THE DOOR

It is always a pleasure to talk about a subject in which one is deeply and enthusiastically interested, and your secretary has assigned me such a subject to-night in asking me to talk to you along the lines of river transportation. I am going to select as the theme for my talk to you the simple act of "opening the door," and I am not just going to give you a peep at the picture I see unfolded, but I am going to give you, as I see it, a good look.

Opening a door presupposes a great many things. For instance, opening the door permits us to let people in and also permits us to let people out. It presupposes that there is an inside and that there is an outside. Our Great Kanawha River is just such a door. Its standardization will let us out and let the other fellow in, and will give us access to the great system of inland waterways now nearing completion and will open our valley to the inflow of commodities from this great system and the territory served by it.

The Great Kanawha Valley Improvement Association is an organization of all the chambers of commerce, several of the service clubs, the three great coal operators' associations, and practically all of the major industrial companies located in or adjacent to the valley. It holds memberships in and is represented among the officers and directors of the three great river improvement associations, namely, the Ohio River Improvement Association, the Mississippi Valley Association, and the National Rivers and Harbors Congress. In addition to furnishing and assisting in any way it can the improvement of the Great Kanawha River and the inland waterways system generally, it tries to live up to the aims of the St. Louis Chamber of Commerce as explained to the Mississippi Valley Association at its last convention in St. Louis. That is, "We aim to please."

This association is the outgrowth of a river committee of the Charleston Chamber of Commerce, appointed by Past President John T. Morgan in 1926. It is, therefore, a child of your organization, and its able and efficient secretary is also your able and efficient secretary. There is 100 per cent cooperation between the two organizations, but the river association performs certain functions which could not be as effectively performed by a chamber of commerce, which is necessarily regarded as a local institution. The association has always enjoyed ample support throughout the valley, although it spends comparatively little money, since the members themselves do the great bulk of the work. In addition to promoting the improvement program and holding representation in the overhead organizations, the association, through its river committee, headed by Mr. George E. Sutherland, represents the navigation interests in all navigation matters, such as bridge permits, channel changes, and river maintenance and operation. This service is always substantial and at times even burdensome. So much for our association.

I want to try first of all to show you through my own eyes what a tremendous thing it is we are opening our doors to when we shall have completed our standard facility on this great Kanawha River. There are two major aspects to this great proposition, namely, the overseas or world aspect and the domestic or home aspect.

I have here a map showing Decatur's projection of the world, with the New York meridian laid down as the center line. You will note the location of New York, New Orleans, San Francisco, Seattle, and Charleston first, and the relation of the Mississippi River, extending from the Canadian borders to the Gulf, and from thence to world markets via its port of entry, New Orleans. You will also note that Valparaiso, Iqueque, and the west coast of South America are all practically due south of New York, while the east coast is practically equidistant from New York and Liverpool, there being a difference of less than a day's sailing time between the American and English ports to Buenos Aires or Montevideo. Again you will note the relation of the Panama Canal and the English canal at Suez. These two canals control the competitive trade routes from Europe and America to the Orient.

Coal, its quality and its cost at the canal, is the controlling factor in the mind of the vessel owner in choosing between these routes. To give our Panama Canal the superlative coals of the great Kanawha Valley at a minimum cost is, therefore, to perform a great national service. Why did Mr. Hoover go to South America? The answer is simple. According to the yearbook of the Department of Commerce for 1926, we find that Latin America is our third largest customer among the world groups, but even more significant than that, we find that while our volume of trade with Argentina, Brazil, Chile, and Peru increased 140 per cent between 1913 and 1926, our trade with France, Germany, Italy, and the United Kingdom only increased 66 per cent. Who wouldn't nurse a customer like that?

To reach this customer via cheap water transportation not only insures to him a lower freight rate and better service but insures to us ever-increasing markets for our national surpluses. Further study of this map will reveal to you just how vital it is and of what tremendous world import that the Mississippi Valley with her mines, mills, factories, and vast agricultural productivity should reach tidewater at New Orleans at a minimum of transportation cost. I will not take your time to develop this world aspect further, but will ask you to turn your attention to this map of the United States.

I want to call your attention first to the relative location of Boston, New York, Charleston, Pittsburgh, Cincinnati, Chicago, St. Louis, Duluth, Kansas City, Omaha, Tulsa, New Orleans, San Francisco, and Seattle.

I have shown in red the broad boundaries of the Mississippi Valley confined on the west by the snow-capped Rockies, on the east by the beautiful low-lying Alleghenies, on the north by the Great Lakes, and on the south by the Gulf of Mexico. God's own garden made and dedicated to the greatest people on earth. Her mountain slopes yield in abundant measure all of the metals known or useful to man. Her valleys and prairies yield every vegetable, fruit, or grain known or useful to man. Her climate is best adapted to man at his best and to his needs. Her people are the sturdy stock of the hardy pioneers of yesterday. She is governed by the greatest system of government the world has ever known. She is capable of maintaining in comfort and luxury a population of 350,000,000 people.

I have shown in blue the great system of inland waterways it is proposed to construct for the comfort and convenience and economic health of this great inland empire. Here is the Mississippi extending from the Twin Cities to New Orleans. Here is the Missouri extending from St. Louis to the Saw Tooth Mountains and flowing six times as many foot-seconds of water 2,500 miles above St. Louis as flows in the Ohio at Pittsburgh. Here is the Illinois River carrying the 9-foot stage into the Great Lakes, and here is the proposed St. Lawrence outlet via the Great Lakes to the Atlantic. The southland has caught the vision and here is the intercoastal canal, a sheltered inland route for river equipment without transfer into ocean-going vessels, from New Orleans to Galveston and Corpus Christi, Tex., and ultimately to the Rio Grande. Or, turning east from New Orleans to Pensacola, Fla., or at Mobile, turning up the Warrior River to Birminghamport, Ala. And last, but not least, our own Ohio with its great tributaries, the Monongahela, the Allegheny, the Muskingum, Great Kanawha, Tennessee, and Cumberland. This system includes 70 projects aggregating 13,394.42 miles already approved and under construction at a cost of $548,399,717, of which all but $96,129,500, the cost of two first-class battleships, is already spent, and it is estimated that the balance will be completed in terms ranging from one to three years. The Ohio will be finished early next spring and ready for traffic. Our own little 95 miles at a cost of perhaps $6,000,000 doesn't look very big beside these figures.

Up here are north and south and east and west lines drawn through Kansas City. In the territory lying north and west of these lines is the great agricultural empire of the Northwest. Take away the agricultural products of this area and annual farm surpluses would disappear and we would be compelled to purchase overseas sufficient food to sustain us. It is from this area that the great wail for farm relief originates.

Isolated and many times more distant from the coast and domestic markets, cheap transportation is the only answer for this great domain. Population is dwindling, farms are being abandoned, distress and discontent are dominant. Cheap river transportation down the Mississippi for export, across the Great Lakes to our own clamoring markets, up the Ohio to the Great Kanawha Valley and the Allegheny and Monongahela; that is the answer, and the leaders of these communities are demanding and urging it.

Up here are the great iron ranges and copper mines of the Lake Superior region. Great areas of this ore can be loaded into river equipment at the head of navigation on the Mississippi as cheaply as it can be loaded on lake equipment at the Lake Superior ports. It can then be floated down the river at a minimum of transportation cost.

Over here we have the great Appalachian coal fields with our own Great Kanawha Valley in the very midst of it and possessing the only coals anywhere in the country peculiarly and exactly adapted to a diversified metallurgical industry.

Our coals and these ores must be brought together to produce iron and steel, the basic products of the age. Our coal can and will be floated down the Ohio to meet these ores and a great new steel center will result, based on a minimum transportation cost of the raw materials plus minimum transportation cost to the ultimate consumer, not only because of a cheap river transportation, but because of its location at the center of population of the entire Nation.

Coal barges from the Kanawha Valley returning filled with the agricultural products of the Missouri. Agricultural barges from the Missouri returning to the Northwest filled with coal from the Great Kanawha. Ore barges from the Mesabi ranges returning to the Twin Cities filled with coal from the Great Kanawha. Coal to the Dakotas, coal via the Illinois to the Great Lakes, coal to St. Louis, coal to New Orleans, Texas, and the Panama. Vast new markets, vast new industries based on cheap coal and cheap raw materials and cheap river transportation. I could continue along this line indefinitely, but again time will not permit.

What assurance then have we that this project will fulfill the vision of its promoters and really perform the service of bulk transportation cheaper and better than the railroads?

First of all, during the past 25 years our transportation via the rails has increased from 114,000,000,000 ton-miles to 444,000,000,000 ton-miles. That is substantially 400 per cent. Saturation point was reached and passed during the World War, and our railroads broke down. Is it safe to assume that the rails can continue to expand sufficiently to care for the ever-increasing needs during the next 25 years? Again, cost of rail transportation has increased almost as rapidly as volume has increased. Twenty-five years ago our coal cost was 65 cents a ton into Cincinnati. To-day it costs us $1.79, or an advance of substantially 300 per cent. It is rail rates and not mine costs which have let the substitutes for coal win away the markets from our valley. A new, cheap system of transport for bulk commodities is the crying need of industry to-day.

Again, Europe has tried out river transportation. Our ever-functioning Department of Commerce has thoroughly investigated the European waterways, and here are one or two of the vital items which they give us: "The network of railways in Belgium is the densest in the world, being 35 miles of railway per 100 square miles, and 14 miles of navigable waterways per 100 square miles." The Mississippi system of waterways when complete will equal about three-tenths of a mile for 100 square miles, or one forty-second as much as Belgium. Mr. Norman F. Titus, of the Commerce Department, says: "A reason for the Belgium waterway development is found in the following: As a typical freight movement on a shipment of 100 kilometers (220 pounds) from Rotterdam to Groninger, a distance of 225 kilometers (140 miles)—

"Express rail, $2.50, delivered in one day.

"Ordinary rail, $1.20, delivered in five or six days.

"Water, $0.30, delivered in three days."

Mr. Titus further reports that "the Department of Commerce files disclose in 1927, on an average movement of 225 miles on the Rhine, the lowest monthly charge on coal was in May, 15 cents a ton, and in December, 29 cents a ton. Obviously similar cheap transportation in the United States would have a tremendous effect upon our industrial and agricultural development."

The distance from Charleston to Cincinnati via the river is 225 miles, and via the rails 211 miles.

Mr. Herbert Hoover, writing in the November, 1928, issue of National Inland Waterways, says, in part:

"True conservation is to get our water at work. There are imperative reasons for it. Before expiration of the years required in major construction, we shall need more food supplies than our present lands will afford. To-day there are many distortions in the agriculture industry due to the unnecessary increases in freight rates from the war, which can be greatly cured by the conversion of our inland waterways into real connected transportation systems. It is demonstrated by actual rates current to-day that we can carry 1,000 bushels of wheat 1,000 miles upon lake and ocean steamers for $20 to $30, on modern river barges for $60 to $70 as against $150 to $200 by rail. There will be urgent demand for more and more hydroelectric power as the sure base of our great interconnected power systems. Our population will increase by 40,000,000 in the next quarter of a century. If we are to preserve the standards of living and increase the comfort of the average family, we must place in use every resource we have; our race with the Malthusean theory can be won by such development."

Speaking at the St. Louis convention of the Mississippi Valley Association in St. Louis last year—1928—Maj. Gen. T. Q. Ashburn, in charge of the Federal Barge Line, the Government-owned and operated barge-line facility operating between the Twin Cities and New Orleans, gave the following résumé of actual and comparative costs in the Federal Barge Line for the first 10 months of 1928. These figures were afterwards referred to and approved by Secretary of War Dwight F. Davis. They stand out because they are actual operating, rather than estimated possible results.

General Ashburn stated that the auditors of the barge line had made a study of the actual cost of transport via lake vessels for the current season and found it to average, on bulk commodities, slightly less than 1 mill per ton-mile as against rail costs on similar movements ranging from 9 mills to 12 mills per ton-mile while the barge line costs on total Mississippi River movement for the first 10 months of 1928 had been three and ninety-two one-hundredths mills per ton-mile. The general stated that as a better balance between up river and down river movement is developed he expects to cut this cost substantially.

Lake vessel tonnage costs from $65 to $80 per cargo ton, railway equipment costs about $200 per ton, and modern, standard steel river equipment costs from $25 to $30 per cargo ton.

I could multiply this data indefinitely, but I think this should be enough to convince you that there is a large fundamental economy in cost as between river and rail transport in favor of the rivers.

I think, before leaving the subject, I should call your attention to a further broad difference between the rails and the river, which is this: Were the Pennsylvania Railway to decide to enter the valley with a branch line of its great system, that would only be one new transportation system, whereas, because the rivers are just highways open to all, the standardization of our river will be the equivalent to the opening up of an indefinite number of transportation systems and the benefits will be proportionately greater.

I would like to take time to tell you of the great political organization which has been built up around this movement, or show you some of the rapidly increasing tonnage figures which are developing even though the system is still incomplete and disjointed, or tell you of actual results obtained by such shippers as Jones & Laughlin or Carnegie Steel Co., but time will not permit. I will content myself with two illustrations only.

The Carnegie Steel Co. operates the Clairton by-product plant at Clairton, on the Monongahela River. Mr. Orchard, the traffic manager of the steel company, told us on the river inspection trip up the Monongahela by the Ohio Valley Association last October that this plant consumes over 30,000 tons of coal a day, all of which comes in by river at a cost of 14 cents per ton, as against a rail rate of $1.18, or a saving of $1.04 per ton on 30,000 tons of coal per day.

The other instance is the steel tows going down the river from Pittsburgh to Memphis, which save the steel companies an average of $100,000 per tow. Jones & Laughlin just started their thirty-eighth tow down the river last week. These tows range from 12,000 to 14,000 tons of finished steel products per tow.

And so opening the Great Kanawha doorway will bring us out and into this magnificent system of inland waterways from which we are now separated by less than 100 miles of shallow water.

Now, let us spend just a moment on the other aspect of the proposition; that is, what we ourselves have to give and to attract industry to us. I could spend longer on this phase than I have the other, but time does not permit.

Our association has taken the position, and successfully sustained it, that of all the territory located alongside or adjacent to the inland waterways system we have more actual and potential tonnage per linear mile to give to the rivers than any other similar area. Major General Jadwin, Chief of the United States Engineers, expressed it as being his opinion, in his report to the Congress of the United States, that the Great Kanawha River would eventually develop as great a river tonnage as the Monongahela, and, gentlemen, the Monongahela actually handled over 25,000,000 tons in 1927, as against the Suez Canal 24,000,000 and the Panama Canal 26,000,000.

With 18,000,000,000 tons of superlative metallurgical coal in the hill, actual production of over 3,000,000 barrels of high-grade petroleum, 6,000,000,000 cubic feet of natural gas per annum, unlimited quantities of salt brine, kaolin, glass sand, virgin timber, and vast undeveloped water power, God has given to us such a valley as exists nowhere else on earth. With our coal, oil, gas, timber, and glass industries already developed and the ever-widening fame of our expanding chemical industry promising immediate and further expansions, General Jadwin has ample grounds for his high opinion of the prospects for future tonnage in our river.

I hope Mr. Puffer will some time tell you of our relation to the great program of national defense and the conclusions reached by two great boards of Federal investigators, one group of whom selected Nitro for the smokeless-powder plant and the other South Charleston for the naval ordnance plant. This valley bids fair to become the national base of military supplies when the next great war comes to us, as it inevitably will.

I desire to also include as a part of my remarks, a resolution passed by the West Virginia Legislature on January 28, 1929, urging rapid completion of the improvement of the Great Kanawha River, which reads as follows:

Engrossed senate joint resolution 10 (by Mr. Hallanan) concerning appropriations for the improvement of the Ohio and Kanawha Rivers

Whereas there is now pending before the National Congress the so-called rivers and harbors act providing for appropriations for important improvements of the Ohio and Great Kanawha Rivers; and

Whereas the appropriation for the Ohio River will bring to completion the lock and dam system, long sought by the western border of this State, and to the tributaries thereto; and

Whereas the proposed improvement to the Great Kanawha River will afford great relief to the coal industry of southern West Virginia, and will contribute another means of transportation to the great chemical plants located in the Kanawha Valley, and will enhance the opportunities for national defense where chemical plants, easily converted in time of war to munition factories, may safely operate on a protected inland stream and still be accessible to the Atlantic seaboard: Therefore, be it.

Resolved by the Senate of West Virginia (the House of Delegates concurring therein), That the Legislature of West Virginia, concurring with proponents of the said act pending before the National Congress, earnestly urges that no time should be lost in the enactment of this measure in order that important work contemplated may be inaugurated at once;

Resolved further, That copies of this resolution be forwarded to the West Virginia delegation in the House of Representatives and in the United States Senate and that they be urged to use their influence to bring forth an early enactment of said measure.

I, M. S. Hodges, clerk of the Senate of West Virginia, do certify that the foregoing resolution was adopted unanimously by the Legislature of West Virginia on January 28, 1929.

M. S. HODGES,
Clerk of the Senate.

SUITS AGAINST DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. ZIHLMAN. Mr. Speaker, I present a conference report upon the bill S. 3581, authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, for printing under the rules.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 18]

Anthony	Gasque	Knutson	Robsion, Ky.
Beck, Pa.	Gilbert	Kunz	Sanders, N. Y.
Bohn	Goldsborough	Lozier	Sirovich
Boles	Graham	Lyon	Stedman
Buchanan	Griest	McClintic	Strong, Pa.
Buckbee	Hammer	McLeod	Strother
Cartwright	Harrison	McSweeney	Sumners, Tex.
Collins	Hull, Tenn.	Maas	Swing
Combs	Jacobstein	Monast	Tillman
Connolly, Pa.	Johnson, Okla.	Moore, N. J.	Underwood
Curry	Kent	Morin	Updike
Dickinson, Iowa	Kiess	Murphy	Vincent, Iowa
Doyle	Kindred	Reed, Ark.	White, Kans.
Fulbright	King	Reid, Ill.	Yates

The SPEAKER. Three hundred and seventy Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. SNELL. Mr. Speaker, I present House Resolution 303, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 303

Resolved, That the bill (H. R. 15848), an act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments thereto, be taken from the Speaker's table, the Senate amendments be dis-

agreed to, a conference be requested with the Senate upon the disagreeing votes of the two Houses, and the managers on the part of the House at said conference be appointed without intervening motion except one motion to recommit.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Will it be in order to move to recommit this resolution to the Committee on Rules, with instructions to report back instanter with an amendment providing that this deficiency appropriation bill be taken from the Speaker's table, considered by the House in Committee of the Whole House, under the general rules of the House which will give opportunity to consider each of the Senate amendments separate? Before the Speaker answers that inquiry, may I have his indulgence for a few minutes to present some views respecting it?

The SPEAKER. The Chair will be very glad to hear from the gentleman.

Mr. CRISP. Mr. Speaker, I am aware that in years gone by a number of Speakers have held that a motion to recommit a rule providing for an order of business to the Committee on Rules is not in order. I am also aware that my father—and I may be pardoned I am sure in this House for saying that to me he was the greatest Speaker who ever presided over this House [applause]—held that the motion to recommit was not in order. That decision was followed by Mr. Speaker Henderson, Mr. Speaker Cannon, and Mr. Speaker Clark. Mr. Speaker Reed decided otherwise, that a motion to recommit was in order. If the rules of the House were as they were when Mr. Speaker Crisp decided this question, and his decision was the pioneer one upon the subject, I would cheerfully acquiesce, because in construing that decision the Speaker must consider the rules of the House as they existed at that time. The Speaker must consider the conditions as to the procedure in the House which existed at that time.

At that time filibusters were common in the House, dilatory motions were made, merely to delay the House in deciding a question, and the decision of Mr. Speaker Crisp was based solely upon the ground that the motion to recommit was dilatory, his decision being that after the House had voted the previous question on a bill or resolution the House had a right to vote upon it at once, without being delayed, and he stated in that decision that, before the previous question was ordered, it would be undoubtedly in order to move an amendment to the rule so as to change the order of consideration of a bill, but that, after the previous question was ordered, there should be no dilatory motion or delay.

Mr. Speaker, the rules of the House to-day are different. In recent years the rules of the House have been liberalized for the purpose of giving the House a chance to consider matters for itself; to give individual Members greater power. Rule XIII, dealing with a report from the Committee on Rules, has a provision in it now, a mandatory provision, that the Committee on Rules shall not report any rule to the House which denies or takes away the right to make one motion to recommit, and the rule further provides that that motion can be made either before or after the previous question has been ordered. The rule is mandatory. The hands of the Committee on Rules are tied. They can not bring in a rule denying that right. That rule did not exist at the time of the decision of Mr. Speaker Crisp, and to-day it is common practice of this House, after the previous question is ordered on a bill of the greatest importance, say a tariff bill, and it is in order to move to recommit the bill to the Committee on Ways and Means, which action delays the House voting immediately upon it—it is in order to move to recommit an appropriation bill to the Committee on Appropriations, which action delays the immediate consideration of it. The object of that rule is to give the minority the right to express its views on a legislative proposition.

But some may say that this is not a legislative proposition, that it is a rule providing for an order of business, a rule providing for the manner in which legislation shall be considered. The Committee on Rules is the committee that brings in the rule giving the House an opportunity to consider a bill. The minority, in my honest judgment, is entitled to go on record showing the manner and method in which it desires to consider that legislation, because it is very material to the minority to have a right to express its views on certain questions.

Therefore it seems to me that the intent of the rule, that the welfare of the House itself will be best conserved by holding that the motion to recommit a rule providing for an order of business is in order. And, Mr. Speaker, upon what meat does this our Cæsar feed—the Rules Committee—that it is excepted from all the other committees of the House? Why does it occupy a greater privilege than any other committee of the House. If you can move to recommit a bill dealing with legislation to a committee for that committee to change its legislation and bring in legislation in conformity with the will of a majority of the House, clearly logically it is just as much in order to recommit a rule providing for an order of business to the Rules Committee with instructions to bring in a rule providing for a different order of procedure.

Mr. SNELL. Mr. Speaker, may I be heard for a moment? I am very glad our friend from Georgia referred to a decision of his distinguished father. I agree that he was a great Speaker of the House and certainly agree with the basis of the decision he rendered at that time on a proposition similar to the one before us to-day. While the gentleman from Georgia quoted a part of that decision, in my judgment from reading that decision fully there is still another inference to be obtained. The gentleman from Geogria, the former Mr. Speaker Crisp, went further in making the decision than his distinguished son infers. He said the purpose of a special rule was to bring the House to a direct vote on the main proposition, and you were not taking away any privileges of the House, because if a majority of the House was not in favor of the rule they had the right and opportunity to vote down the previous question, so none of the rights of the House were denied to the House by refusing the motion to recommit. That is my position here to-day. If the majority of the House is not in favor of what the Rules Committee proposes, it will vote down the motion for the previous question, and then my friend from Georgia will get the opportunity to amend or instruct as he desires. This exact question has been before the House a great many times.

All the decisions I am able to find run in exactly the same direction and agree and are against the position taken by the gentleman from Georgia. It was followed by Mr. Speaker Cannon, by Mr. Speaker Henderson, and especially by Mr. Speaker Clark; and this decision was after the change in the rules that my friend from Georgia spoke of a moment ago. Yet in my judgment this change has no effect on the proposition before it. At that time of the decision of Mr. Speaker Clark we had practically the same proposition before the House we have to-day, only the tables were turned, as far as politics are concerned. Mr. GILLETT, a Member on the Republican side, offered a motion to recommit a resolution from the Committee on Rules. Mr. Speaker Clark was in the chair. Mr. Fitzgerald, of New York, made a point of order against the motion to recommit. Speaker Clark made a decision sustaining the point of order and cited an opinion of former Speaker Cannon on a similar question. And every decision of recent years has been in support of the contention I am now making, that it is not in order to move to recommit a resolution from the Committee on Rules. And I specially call the Speaker's attention to the fact that this last decision came after the change in the rules, upon which the gentleman from Georgia was laying such stress in this argument here to-day.

And I am further very sure that with this long list of precedents before him, the present distinguished Speaker will have no trouble in advising the gentleman from Georgia that a motion to recommit this resolution is not in order.

Mr. CHINDBLOM. Mr. Speaker, may I make an observation?

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. CHINDBLOM. The gentleman from Georgia [Mr. CRISP] referred to the present rule, which forbids the Committee on Rules from bringing in a rule which will operate to prevent the motion to recommit. I beg to call the attention of the Chair to the exact language of the rule:

> Nor shall it [the Committee on Rules] report any rule or order which shall operate to prevent a motion to recommit being made as provided in paragraph 4 of Rule XVI.

There is a limitation there—

as provided in paragraph 4 of Rule XVI.

Now, what does paragraph 4 of Rule XVI provide? It provides as follows:

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

This is merely a House resolution, not a bill nor a joint resolution; and I contend, if the Speaker please, that the rule does not cover the situation and that the status of the rule is exactly the same now, so far as this question is concerned, as it was

at the time the former distinguished Speaker, Mr. Crisp, rendered his decision.

The SPEAKER. The Chair is prepared to answer the parliamentary inquiry of the gentleman from Georgia [Mr. CRISP], to whom he listened, as he always does, with great respect for his logic and his knowledge of the rules of the House. The Chair, however, is not aware of any decision at any time which controverts the decision originally rendered by Mr. Speaker Crisp and by a number of his illustrious successors.

The gentleman from Georgia has said, and with much persuasiveness, that the situation is not exactly what it was when those decisions were rendered, so far as the present rules of the House go, covering motions to recommit. However, the Chair does not think those changes in the rules, either in their letter or their spirit, have so changed the present rules of the House as to justify him in overruling all those decisions.

Clause 4 of Rule XVI of the House with regard to the full liberty of the motion to recommit is as follows:

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

The Chair is prepared to concede that in so far as bills or joint resolutions are concerned the question of the motion to recommit is slightly different from what it was at the time those decisions were rendered, particularly the decision of the honored father of the gentleman from Georgia. But the present rules of the House make no change in regard to a House resolution. This is not a joint resolution. It is a House resolution. The Chair thinks it is precisely in the same status as at the time those decisions were rendered. Therefore in response to the parliamentary inquiry of the gentleman from Georgia the Chair thinks that a motion to recommit this resolution is not in order.

Mr. SNELL. Mr. Speaker, I want to make a unanimous-consent request in regard to the time to be consumed in the discussion of the rule. I have had numerous requests for time on this side, and I would like to extend the usual hour. I ask unanimous consent that the time may be extended to three hours, with the understanding that I will yield one-half of that time to the gentleman from North Carolina [Mr. POU] to yield for debate, and at the end of that time the previous question shall be considered as ordered.

Mr. POU. I suggest that the gentleman leave out the previous question.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be extended to three hours, with the understanding that he will yield one-half of that time to the gentleman from North Carolina [Mr. POU], and he further adds that at the conclusion of the general debate the previous question shall be ordered.

Mr. GARRETT of Tennessee. To that last request I shall object.

The SPEAKER. Objection is made.

Mr. SNELL. Then I withdraw the last portion of my request, Mr. Speaker, with the understanding that I will yield one-half the time to the gentleman from North Carolina.

The SPEAKER. The gentleman from New York asks unanimous consent that the time be extended to three hours, with the understanding that he will yield on-half of that time to the gentleman from North Carolina [Mr. POU]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. SNELL] is recognized.

Mr. SNELL. Mr. Speaker, the present resolution is presented to the House with the distinct purpose of sending to conference the first deficiency bill. The only way you can get a House bill with the disagreeing votes of the two Houses to conference is either by unanimous consent or by a special rule. The gentleman from Indiana [Mr. WOOD] tried the unanimous-consent route the other day, and he was unable to accomplish that purpose. If this rule is adopted as presented, the bill, together with the disagreeing votes of the two Houses, will be sent to conference.

Now, let us see what the actual facts are that confront us and which have brought us to this situation. In order to do so I think we have got to go back a little and get just a little bit of previous history.

When the bill making appropriations for the Treasury Department was being considered in the Senate an amendment was offered to that bill increasing the amount for the enforcement of prohibition to $250,000,000. That amendment was advocated and sponsored by some of the most bitter opponents of prohibition that have ever been on Capitol Hill, and while that amendment was not agreed to in the committee of conference, nevertheless it sowed some seed that evidently took root when they were considering the present deficiency bill. As a result an amendment was offered to that bill to increase the money available for the enforcement of prohibition by $24,000,000.

Now, what are the actual facts in regard to this? What are the facts which Members who want to legislate intelligently and constructively must meet? That amendment, to a large degree, was and is supported by four distinct groups; and we might as well meet this situation just exactly as it is.

There was one group made up of hysterical drys. It was made up of men who, every time the question of prohibition is mentioned, will jump through a hoop and do anything they are told to do by the active representatives of the prohibition movement. There was another group made up of the bitter wets; men who are willing to do anything in their power to make prohibition enforcement a ridiculous farce, and they think they are helping to do that by supporting this amendment. There was still another group who desired to rehabilitate themselves in the minds of their own constituency on account of the position they took in the last election. In order to be regular many of them supported one of the wettest men who has ever run for the office of President of the United States, and for that reason was very obnoxious to these extreme drys. Therefore in order to rehabilitate themselves and reinstate themselves in the good graces of their dry constituents, and to prove how dry they are notwithstanding their support of a wet candidate for President, they are now supporting the amendment providing for more money to enforce the prohibition proposition than has ever been asked for by any department of the Government and for which there is no provision for spending it.

Mr. SCHAFER. Will the gentleman yield?

Mr. SNELL. Not at the present time. There is another group of people who are willing to do anything they can under present conditions to embarrass the new administration, and we find that group very anxious to have this amendment adopted at this time. Now, those are the real facts that are before us as far as this amendment is concerned. I want some one to tell me why we should not approach this proposition of appropriating $24,000,000 in the same spirit that we approach any other appropriation of similar size. If we did that, the first thing we would ask is this: Is it needed? Has it been requested, and does the Budget approve, and does it conform with the financial program of the President? No one has ever considered these things; no one claims they have.

No one claims there has been any request from the Treasury Department, or the people who are responsible for this enforcement, for these additional funds. As a matter of fact, I understand it has been definitely stated that it could not be spent efficiently and that a large amount of it would be wasted if they were forced to spend it under the provisions of this deficiency bill. I have never known this House before to insist that a department of the Government take more money than it requested or said they could spend efficiently in carrying out the provisions of the law.

Mr. GARBER. Will the gentleman yield?

Mr. SNELL. In just a minute. So I ask the Members of this House to approach this proposition with the same common sense and judgment, that we do others of similar size, and do the same in regard to this appropriation that they would do in regard to any other appropriation that has never been asked or a single argument, except a political one, to justify it. I now yield to the gentleman.

Mr. GARBER. The gentleman referred to the provisions under which the appropriation was made. Will the gentleman kindly detail the provisions for the information of the House?

Mr. SNELL. I really do not understand the gentleman's question.

Mr. GARBER. The provisions under which the proposed appropriation of $24,000,000 is made.

Mr. SNELL. Well, the amendment was put on in the Senate, but I do not understand it was requested by any of the people who are responsible for the carrying out of the enforcement of prohibition.

Mr. GARBER. As I understand it, the amendment was amended to conform to the recommendations of the Secretary of the Treasury.

Mr. SNELL. Not at all. There has never been any recommendation from the Secretary of the Treasury, so far as I know, requesting the additional amount that was put on in the Senate under this amendment.

Mr. GREEN. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. GREEN. Is the gentleman advised whether or not the Secretary of the Treasury is in favor of enforcing the prohibition law?

Mr. SNELL. I have never asked the Secretary of the Treasury and he has never advised me, but it is his duty as Secretary of the Treasury to enforce it.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LaGUARDIA. The gentleman states that it is sought to make the present enforcement a farce. Is it not true that the present condition is a farce and a disgrace?

Mr. SNELL. I would not admit that in its entirety, but I am not entirely satisfied with the enforcement of prohibition at the present time.

Mr. LaGUARDIA. The gentleman stated that nowhere and at no time have additional appropriations been asked for. Is not the gentleman aware of the fact that former Commissioner Haynes, present Commissioner Doran, Assistant Secretary of the Treasury Andrews, and every official who has had charge of the enforcement of the law has repeatedly asked for more funds?

Mr. SNELL. No; the gentleman is not informed of that fact and doubts whether that is true, because they are not asking at the present time for any additional funds.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. GARNER of Texas. Did I understand the gentleman to say that the group which is supporting this amendment is made up of the extreme drys, the fanatical drys, and the extreme wets?

Mr. SNELL. Not all of them. I said a part of them.

Mr. GARNER of Texas. Has the gentleman examined the vote in another body on the adoption of the amendment in that body?

Mr. SNELL. Yes.

Mr. GARNER of Texas. Does the gentleman suggest that the amendment was adopted by the vote of the extreme drys and extreme wets?

Mr. SNELL. I said a part of them were; the hysterical drys. I did not say extreme drys, but I said the hysterical ones are in favor of the proposition.

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. I wish to say to the gentleman that I am in favor of the resolution, but I want to ask the gentleman whether he can state how much it is estimated would be required to enforce prohibition?

Mr. SNELL. I have made no estimate and I could not answer the gentleman.

Mr. LaGUARDIA. Does not the gentleman know that Commissioner Doran has stated it would cost $300,000,000?

Mr. WELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WELLER. In connection with the $24,000,000 amendment which has been explained by the gentleman from New York, may I ask the gentleman if he is prepared to make any statement with reference to the item of $250,000 for an investigating committee, which amendment was put on in the Senate?

Mr. SNELL. The gentleman is not in position to make any statement about that, and the gentleman from New York reserves the balance of his time and yields the floor to the gentleman from North Carolina [Mr. Pou]. [Applause.]

Mr. POU. Mr. Speaker, there is an old saying that there are more ways to kill a dog than choking him to death with butter, and there is a genuine fear entertained by the membership of this House, a certain portion of it at any rate, that there will be no opportunity for a clear-cut vote on the Harris amendment. For this reason we are opposing the adoption of this rule, and we are hoping that the previous question will be voted down so that the rule may be amended and an opportunity afforded for a direct vote on the so-called Harris amendment.

We might as well look the facts in the face, Mr. Speaker. It seems the time is about here when, if there is ever going to be an effort made, a genuine effort, to enforce the so-called Volstead Act, the time is at hand. [Applause.]

It is a matter of common knowledge that almost throughout the length and breadth of the Nation prohibition enforcement is a roaring farce. As I stand here to-day I believe it would be safe to say that in every ward in the city of Washington, in almost every hotel in the city of Washington, I might say in the Capitol itself, the prohibition law is being violated every day by men who would scorn to violate other laws of the Nation.

I have sat in the courts, Mr. Speaker, and seen the criminal mill at work. It was, in almost every instance, the poor, the humble, the helpless, who were captured by the prohibition officers. I saw a poor, poverty-stricken woman with 10 children sent to prison for selling a pint of liquor. I did not see any of the big fellows brought to trial. It seems they are immune, and it is about time that enough money was being put at the disposal of the departments of the Government to go after everybody that is violating this law, rich and poor alike. [Applause.] This is all it is proposed to do. Officials of the Government do not have to use the money.

Why all this hullabaloo about putting money into their hands for enforcing the law? They are not forced to use it. They can use $1,000,000 or $2,000,000 or $3,000,000 or refuse to use any of it. It looks as though somebody wants an alibi for failure to enforce the prohibition law.

Whenever the time comes that the administration of this law is put in the hands of men who at heart are for the law, and whenever the time comes that men of that kind are given sufficient means to enforce the law equally against everybody, rich and poor alike, even against the man who filled his cellar with liquor enough to last him a lifetime when the Volstead law was enacted and has been replenishing it since; whenever the time comes that the law is enforced equally against all, then we may feel that an honest effort has been made to enforce the Volstead law; but there are many who do not believe an honest effort has been made to enforce it up to this time. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. Cooper]. [Applause.]

Mr. COOPER of Ohio. Mr. Speaker and gentlemen of the House, I have here an editorial taken from one of the leading Democratic newspapers in the State of Ohio. The president of this organization is Justice John H. Clarke, former Associate Justice of the Supreme Court of the United States, and one of the outstanding men of our country, and I would like to have the Clerk read the editorial.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

TWENTY-FOUR MILLION DOLLAR PROHIBITION FUND

If President Coolidge does his duty, he will veto the $24,000,000 increase in the prohibition-enforcement fund. This $24,000,000 is nothing but a gigantic alibi on Congress's part. Such an amount ought never to be appropriated without definite plans as to how it should be expended. Congress has no such plans and means to set aside this huge sum not from a desire to bring about better enforcement but with the sole object of passing the buck and impressing the country with its earnestness about prohibition, when, as a matter of fact, the majority of Congress does not care whether President Coolidge vetoes the appropriation or not. It is cowardly to shift responsibility to his shoulders, and it has no right to embarrass Mr. Hoover, who, if he is as concientious in this as he is in everything else, will have to let the money lie unused for six months or a year until he can find a way to employ it. Meanwhile he will come in for all sorts of criticism, and the country will not know what to believe. That is not the way the people expect Congress to transact their business.

[Applause.]

Mr. COOPER of Ohio. Mr. Speaker, I believe my position on the question of prohibition and its enforcement is known not only to my colleagues in the House but to the people of the country. I have fought for and supported every measure for the adoption of prohibition and its enforcement during my 14 years of service in Congress, and if I thought the adoption of the amendment providing $24,000,000 in addition to the $13,000,000 already appropriated would benefit prohibition enforcement I would gladly support the same.

I regret I must break on this question with my good friend Doctor McBride, the superintendent of the Anti-Saloon League—and he is my friend.

As one who is deeply interested in the enforcement of prohibition I believe it is my duty to work and cooperate with the Anti-Saloon League and other dry organizations in the enforcement of the eighteenth amendment. On the other hand, however, I have deep convictions on this question, and I shall follow out what my conscience tells is right, and shall support the adoption of the rule to send the report to conference. [Applause.]

I would now like to ask my good friend Doctor McBride why he has changed his mind. Here is what he said a short time ago on this question:

I stated that the larger appropriation can be wisely made under a well-prepared budget by the enforcement department. The Secretary of the Treasury has well said that a survey should be made to see whether larger funds could be used toward more successful enforcement.

This is what Doctor McBride said two or three weeks ago, and now he asks me and the other "dry" Members of this House to support this proposition without these provisions being attached to the amendment.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. COOPER of Ohio. I noticed these headlines in my home paper of last night, which came to my desk a short time ago:

COOPER battles "drys"; hits $24,000,000 fund. Mr. McBride stated that "It was hard for him to see how any dry, especially a Republican, should not vote to give a Republican President adequate funds for law enforcement."

In reply, let me say I stand ready to support President Coolidge and President-elect Hoover in any program they have for the enforcement of prohibition. [Applause.]

Doctor McBride also decried the intimation that politics was the chief incentive behind the drive to force the House to accept the increased appropriation.

Now, Doctor McBride is too good a politician for him to try and fool the Members of this House in saying that there is no politics back of the $24,000,000 amendment. I am not unmindful of the fact that less than three months ago the chief supporters of the $24,000,000 appropriation were going from one end of the country to the other advocating the election of a candidate for President who never has been in favor of prohibition, and while he was Governor of the State of New York for eight years he never was interested in enforcing prohibition.

Mr. CELLER. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. The voters of our country, and especially those in favor of the eighteenth amendment and its enforcement, expressed their confidence in Herbert Hoover in such a way as would indicate that he would handle the prohibition enforcement question in a manner that would bring results along the line of better enforcement.

Mr. SCHAFER. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. I am of the firm opinion that it would be better for Congress to wait until Mr. Hoover becomes President and then get his views as to what he believes to be the best method of carrying out a program for better enforcement of the eighteenth amendment.

I wanted to be understood, however, as saying that if Mr. Hoover requests Congress to grant larger appropriations for enforcement I will whole-heartedly support him in his request.

Never in all my experience in Congress have I known this body to appropriate a large sum of money and force it on an executive department of the Government without their asking for it.

I am going to support the rule. I know that possibly I will come in for some criticism by some of my dry friends, but I am as much in earnest in regard to the prohibition question and the enforcement of the eighteenth amendment to-day as I have been in the past. But I can not support the $24,000,000 appropriation, because my conscience tells me it is wrong for this Congress to dictate to Mr. Hoover what his policy regarding the enforcement of prohibition must be before he becomes President of our country. I have confidence in the ability of Herbert Hoover to enforce the prohibition laws. He will not break faith with the law-abiding citizens on this question. I believe it would be the wise policy to wait until we get his message on enforcement and then give him our loyal and whole-hearted support. [Applause.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I do not propose to discuss the merits of the proposals that are contained in the Senate amendments at this time; because, if this House shall avail itself of the opportunity, as I hope it will, to vote down the previous question, and then support a proper amendment to the resolution offered by the gentleman from New York, Chairman of the Rules Committee, there will be ample opportunity for discussion of the merits of these proposals. But I do want to get very clearly in the RECORD just precisely what is before us.

It is not alone the Senate amendment dealing with the prohibition question. Lest we forget, let it be remembered that the Senate has put an amendment on the bill touching tax refunds and future administration of that very important service, that I should judge Members of this House would like to consider.

Of course, it can be pointed out that when this deficiency appropriation bill was originally before the House of Representatives I expressed myself briefly, stating very frankly, that I felt a certain degree of embarrassment in being called upon to vote for an amendment withholding money for tax refunds found to be due taxpayers under the law in existence. But in that same connection I stated that if it were possible to create the machinery to assure a more careful review of tax-refund cases, I would be happy to support it.

The Senate amendment upon this subject provides a method of review and I think should be considered.

So the prohibition amendment is not the only important proposition that is involved, and which will be involved, in the matter of the vote on the previous question.

Now let it be gotten clearly in mind—there is no use for us to deceive ourselves or to try in the future to deceive others, if anyone should be disposed to try—the important vote under the parliamentary situation that exists here, however gentlemen may stand on these amendments, is on the previous question on the proposed special order.

Had it been possible under the rules of the House to have adopted the suggestions offered, or which would have been offered by the gentleman from Georgia [Mr. CRISP], it could have been reached in a different way. The Speaker has made a ruling, with which I make no quarrel, which leaves the only parliamentary course to be pursued by those who desire to be absolutely certain of an opportunity to consider these important Senate amendments, that of voting down the previous question on the rule and then we will offer such amendments to the rule as will enable an immediate, direct, and certain consideration by the House of these Senate proposals.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I am forced to reflect briefly upon the last presidential election and admonish the Members of the House to keep faith with the American people. Something like 15 per cent of the electoral vote of the last election by some is interpreted as a wet vote, and something like 85 per cent as a dry vote. When the Members of Congress who sit on my left—the Republicans—undertake to throttle the enforcement of prohibition by abiding the dictates of a wet Secretary of the Treasury who aspires to continue to refuse to enforce prohibition, they are refusing to keep faith with the American people.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. Not now. I am sorry I have not the time. By the verdict of the people they have called for enforcement. By the unseen powers in the Republican Party, you are saying they shall not have it. The unseen power is your wet Secretary of the Treasury. He is the generalissimo of the wet forces in America and his first lieutenant probably will later prove to be the President elect and his second lieutenant, possibly, is the present President of the United States. My friends, those are the facts. Have you ever heard either of these gentlemen calling for enforcement of the prohibition laws? Where do they stand?

I am glad that the president of the Anti-Saloon League has finally found that he is in the wrong category and has split from the wet Secretary of the Treasury and now demands this $24,000,000 appropriation. I have always supported the president of the Anti-Saloon League and support him now. I am glad he has finally found out the wet-inclined principles of the Mellon-Coolidge-Hoover régime. My friends, the situation is plain, the question of enforcement or refusal thereof is placed on your doorstep. Now, then, will you keep faith with the American people and say in substance to Mr. Mellon, "You have got to make a showing" by honest enforcement against all violators, or will you break faith with the American people and let the bootlegging go wild in the Capital of the United States and other cities, as the gentleman from North Carolina [Mr. POU] has just said?

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. Not now. My time is too limited. I am sorry. Which are you going to do, my friends? Will you keep faith and enforce prohibition or will you let the two or three powers in your Republican Party continue to vacillate and refuse to enforce prohibition? I am going to leave it with you. As for me, I am going to vote for the enforcement of the laws of the land in accord with the dictation of the voters of my district. My church people, my Woman's Christian Temperance Union members, and the rank and file of my district stand for law and order, and I shall forever vote their conscience. They are a dry people. They vote dry and they live dry. They are honest and law-abiding, and I am happy to champion and defend the cause of such people and of humanity. I hope those Republican Members, who happen to be dry Members, will rise above the cracking of the whip of the Secretary of the Treasury and vote for prohibition enforcement.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I am sorry I have not the time. It is on your doorstep. Are you going to keep faith with the moral and spiritual forces of America and say that it will be enforced or are you going to let it pass along and thus protect the nullificationist, anarchic, and communistic forces who would

destroy our country? I shall vote against the rule in order that we may have a direct vote on the question and then vote for the amendment. [Applause.]

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, ladies, and gentlemen of the House, for the first time since I have been a Member of this body—16 years—it has been necessary to resort to a special rule to send an appropriation bill to conference. This occurs now because the other day gentlemen who are interested in the $24,000,000 prohibition enforcement amendment were not satisfied with the opportunity that they would have had if they had given consent to send the bill to conference, the opportunity they would have had to move to instruct the conferees to accept that amendment, and on that there would have been debate and a roll call. They were not satisfied with that opportunity. That would have made possible a direct vote on this question on the $24,000,000 amendment. We invited that. They did not see fit to accept the opportunity.

What is this $24,000,000 amendment that occasions this extraordinary method of sending an important appropriation bill to conference? I consider it a very short bill. It is of a legislative character, although in an appropriation bill, and reads:

BUREAU OF PROHIBITION

For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930.

It should have borne four titles. It could well have been termed a bill to eradicate the recent wet splash on the political records of dry Democrats; or, secondly, to restore Bishop Cannon to the good graces of the southern Democracy; or, third, to condemn Secretary Mellon; or, fourth, to repudiate the administration of President Coolidge and embarrass the administration of President-elect Hoover. Those are the four frank purposes of this amendment.

DEMOCRATIC PARTY NEEDS REHABILITATION

We have just gone through a great national campaign that went down closer to the roots of the political feelings of the people of this Nation than any other campaign in 50 years. The results of that election in November were such that a former candidate for governor in Michigan, Mr. Frensdorf, a leader of the Democratic Party in my State, has openly advised the Democratic Party in Michigan to take a vacation for a number of years to come, and the trouble here is that many gentlemen in this House on the Democratic side from Southern States fear that the party down there will invite its leaders to take the vacation for several years to come, and so we have this $24,000,000 appropriation to rehabilitate the Democratic leaders.

I want now to quote a word from a distinguished Democrat, probably the most popular Democrat in the United States, certainly one Democrat who has been elected to office and who has never been defeated. I think he is not only popular, but I think he is one of the best political economists and best political strategists in the party. I refer to Will Rogers. Recently in an article in the Saturday Evening Post, in his letter to Al Smith, he said:

I don't know why it is, Al, but us Democrats just seem to have an uncanny premonition of sizing up a question and guessing wrong on it. It almost makes you think sometimes it is done purposely. You can't make outsiders believe it is not done purposely. For they don't think people could purposely make that many mistakes accidentally. And what makes it funny is we get the first pick.

Further, he says:

If a national question comes up, there is no sensible reason why we shouldn't be on the popular side instead of the right side all the time. Leave our old political leaders in the Senate, where they can't do anybody any good or harm, but hide 'em when a campaign is on; they been making the same speeches since they was weaned. * * * Get Raskob back on those Chevrolets again. He may know what Wall Street is going to do, but none of those guys have got a vote. We don't need a financier; we need a magician.

[Laughter.]

A few days ago he gave some good advice to his party on this present situation:

The Democrats are having a tough time finding somebody to give the $24,000,000 to. Mellon says, "I don't need it." Coolidge says, "Don't leave it on my doorstep." Hoover says, "My charity distributing days are over, don't sic it onto me." What they should do with it is to take $1,500,000 and pay off Raskob, Kenny, and Lehman, get Bishop Cannon a new typewriter, and take the other $22,000,000 and establish an endowment fund to take care of Senators whose political schemes backfired.

[Laughter.]

PROHIBITION THE ISSUE OF 1928

Anybody got any doubts what was the issue in that last campaign? The gentleman from Florida [Mr. GREEN] is still here. He raised some question about it. Let me, for his benefit and others, cite the opinions of some distinguished gentlemen and authorities. From the New York Times, one of the great newspapers of this country and certainly not unfriendly to the Democratic Party in the last campaign, I quote from their editorial Voting on Prohibition in their issue of November 4, the last Sunday before the election:

Seldom in our history has the fate of one nonpartisan political issue been so closely bound up with the results of a national election as this year.

* * * * * * *

Next Tuesday, however, the issue between Smith and Hoover in the matter of prohibition is sharp and clear. Hoover proposes to attempt to correct the abuses of enforcement, but stands for the amendment and the Volstead law unalterably. Smith, pledged to attempt real enforcement of the law for the first time in its history, would amend the amendment and modify the law so as to permit the several States to undo prohibition. It is the first opportunity which Americans opposed to prohibition have ever had to register their opinion and make it felt by the politicians. If this opportunity is not grasped, years may pass before it comes again. All the dry forces are militantly for Hoover. They accept the issue as real.

* * * * * * *

If Smith is elected, liberalism will have a leader in a position of great power, carried into office by so widespread and popular an uprising that the barriers of reform—which Mr. Hughes describes as unscalable even by the people who set them there—will begin to crumble. If Hoover is elected, every antiprohibitionist who votes for him should acquiesce in present conditions without further complaint.

WET LEADERSHIP OF DEMOCRATIC PARTY

That was the issue of the campaign. Who was the leader of the Democratic organization in that campaign? Mr. Raskob was chairman of the Democratic Political Party and he is to-day. He is the official leader of that party. And what does he say about prohibition? Since he got rich selling automobiles by reason of the prosperity that has attended prohibition, his great mission is, as he proclaims it, "Ridding the country of the damnable affliction of prohibition."

That is why the party in Congress is attempting since its complete defeat on that issue and under that leadership to rehabilitate itself by this senseless, profligate appropriation of $24,000,000, with no idea of how it is to be used.

Furthermore, I call attention to what Hon. JOSEPH T. ROBINSON, Democratic candidate for Vice President, said on October 12, as carried in an Associated Press dispatch:

Governor Smith favors—and I am heartily in accord with his views—a change in the Volstead Act which would give a scientific definition of what is an intoxicating beverage. Under this change in the law such States as desire them would be permitted to have very light wines and beer.

Oh, if Bishop Cannon wants to snuggle up to these Democratic leaders he is welcome; if Scott McBride wants to do so, he can do so; but my devotion to prohibition goes back too many years to be led astray by such foolish leadership as now proposes this appropriation, and I will not be alarmed by any fear of misunderstanding of my position. I was acting chairman of the campaign that made dry my home county in 1910. I supported in person and in my newspaper the campaign that gave Michigan state-wide prohibition in 1916. I voted in this House to submit the eighteenth amendment and for the Volstead Act, and since have championed the law to the best of my ability and have observed it personally. I am concerned about results.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. Not now; I would be very glad to yield to the gentleman if I could yield to anyone in my limited time.

Senator SIMMONS said in his speech at Newbern, N. C., October 12, the same day the candidate for Vice President, Mr. ROBINSON, made the statement I have quoted:

Governor Smith has deliberately made the question of State control of liquor traffic the paramount issue in this campaign. * * *

Whenever the question of prohibition has been heard, the men and women whose souls are wrapped up in that cause, a cause for which they struggled for more than a quarter of a century, and finally wrote into the Constitution, they are told that they are not opposed to Governor Smith because he wants to destroy this great reform, but because of their bigotry and sectarian prejudice.

I defy and spurn the man who attempts to drive them with the party lash, who seeks to deter them upon the grounds of party regularity from the free exercise of their righteous convictions.

Such was the issue, and the people rendered their verdict. They did not say that they voted to put Senator HARRIS, Mr. GARNER, and Mr. BYRNS, and Mr. CRISP, and Major LAGUARDIA in control of the situation; did not vote to give them the leadership.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. I regret I can not now—but they voted to give the leadership to Herbert Hoover, who takes office as President of the United States on the 4th day of March. [Applause.] He who declared his opposition to the repeal of the eighteenth amendment and his desire to see it succeed.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I regret I can not.

Mr. GARNER of Texas. Just for one question.

Mr. CRAMTON. Since I have referred to the gentleman I will yield to him if he wants to make a correction, but otherwise not.

Mr. GARNER of Texas. The gentleman says Senator SIMMONS voted for this amendment—Senator SIMMONS, now in the Senate.

Mr. CRAMTON. Certainly; Senator SIMMONS wants to rehabilitate the Democratic Party. I want to say again, the design is to take money out of the Treasury to rehabilitate the Democratic Party.

SENATORIAL VOTE ON $24,000,000 AMENDMENT

Now, as to the amendment. What is this thing? It is to increase the prohibition enforcement fund by $24,000,000, to be allocated as the President desires, "to the departments or bureaus charged with the enforcement of the national prohibition act." That was adopted in the Senate with the votes of 13 Republicans, most of them fairly unfriendly to Secretary Mellon, and 39 Democrats and 1 Farmer-Labor. I will put them all in in the extension of my remarks. Against the amendment were 3 Democrats and 29 Republicans, the vote being as follows:

FOR HARRIS AMENDMENT (INCLUDING ANNOUNCEMENT OF ABSENTEES)

Republicans, 13: Brookhart, Capper, Couzens, Dale, Deneen, Frazier, McMaster, Norris, Nye, Pine, Sackett, Schall, and Vandenberg.

Democrats, 39: Ashurst, Barkley, Black, Blease, Bratton, Broussard, Caraway, Copeland, Dill, Edwards, Fletcher, George, Glass, Harris, Harrison, Hawes, Hayden, Heflin, McKellar, Mayfield, Neely, Overman, Pittman, Robinson of Arkansas, Ransdell, Sheppard, Simmons, Smith, Steck, Stephens, Swanson, Thomas of Oklahoma, Trammell, Tydings, Tyson, Wagner, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Farmer Labor, 1; Shipstead.

AGAINST HARRIS AMENDMENT (INCLUDING ANNOUNCEMENT OF ABSENTEES)

Republicans, 29: Bingham, Blaine, Borah, Burton, Curtis, Edge, Glenn, Fess, Goff, Gould, Hale, Hastings, Johnson, Jones, Keyes, Larrazolo, McNary, Metcalf, Moses, Oddie, Phipps, Reed of Pennsylvania, Shortridge, Smoot, Steiwer, Thomas of Idaho, Warren, Waterman, and Watson.

Democrats, 3: Bruce, Kendrick, and Reed of Missouri.

CURTIS, JONES, BORAH IN OPPOSITION

Among those Republicans opposing this extravagance in the Senate, this ill-considered spending of $24,000,000, were Senator CURTIS—no fairer, truer dry in the country [applause]; Senator JONES, of Washington, who in his last election was fought by the wets because of his dryness——

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCHAFER. It is against the rules of the House, which provide that a gentleman has no right to mention the names of individual Senators.

The SPEAKER pro tempore. Under the rules of the House it is a breach of order to refer to debates or votes on the same subject in the other House.

Mr. CRAMTON. I have not questioned the motives which actuated them. I am just stating the roll call of the Senate, and I hope a statement of that kind is not uncomplimentary to any Senator.

Furthermore, I will mention Senator BORAH, who, when Senator HARRIS, Congressman GARNER, Congressman BYRNS, and all of these other Democrats were parading the country appealing for the election of a wet candidate for President——

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. SCHAFER. I do not think the gentleman from Michigan is complying with the rules of the House in mentioning these various Senators for their attitude in the Senate.

Mr. CRAMTON. I am within the rules, and I object to having my speech constantly interrupted by ill-founded points of order.

The SPEAKER pro tempore. The gentleman from Wisconsin is within his rights when he rises to make a point of order. It will not be taken out of the gentleman's time. The Chair wishes to state that it is a breach of the rules of the House to refer to the votes on the same subject in the other House. The Chair wishes to direct the attention of the Members of this House to the rule on this subject. It is found in the House Rules and Manual, paragraph 364, which reads:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

In the opinion of the Chair the point of order is well taken. The gentleman from Michigan will proceed in order.

Mr. CRAMTON. Mr. Speaker, the gentleman will be glad to. [Applause.]

I can speak of my friend from Texas [Mr. GARNER] all right. In the last campaign, when the gentleman from Texas [Mr. GARNER] and the gentleman from North Carolina [Mr. POU] and the gentleman from Tennessee [Mr. BYRNS] and the gentleman from Tennessee [Mr. GARRETT] and others that might be mentioned were appealing for the election of this wet candidate, a certain distinguished gentleman well known throughout the Nation, having as great a personal influence as any man in the Nation, whose official position and recent vote I am not permitted to mention under the rules of the House, was the "Plumed Knight" who led the fight for preservation of the eighteenth amendment and its effective enforcement; and he does not favor this $24,000,000 appropriation.

$24,000,000 CAN NOT BE USED IF APPROPRIATED

Now, the ridiculousness of the expenditure of this $24,000,000 appears when you study its language and learn that if you appropriate this money it can not be expended. It contributes nothing to prohibition enforcement. All it does is to transfer the dry leadership from the party that carried the banner for preservation of the eighteenth amendment to the party that sought to destroy it. [Applause.]

The language of the Senate amendment to the deficiency bill relating to a $24,000,000 fund, provides for the allocation of the fund by the President "to the departments or bureaus charged with the enforcement of the national prohibition act."

Under this language no part of the fund could be used by the Civil Service Commission. About 60 per cent of the present force of over 2,000 field officers have been appointed pursuant to the civil service act applicable to the Bureau of Prohibition. The recent examination for agents, which closed November 20, 1928, will not be completed for about a year, according to informal advices from the Civil Service Commission. It is, therefore, impracticable to appoint a large number of additional prohibition agents at this time as it would merely break down the civil-service procedure and place the service where it was prior to the passage of the civil service act. All of the men temporarily appointed would have to be examined and in large part displaced. Such a process would in no way benefit enforcement and would merely cause trouble. Hundreds of cases would be made and later dropped as the men left the service.

Under the provisions of the act of March 3, 1927, creating a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury, in subparagraph (c) of section 2 the Secretary of the Treasury is prohibited from delegating to the Bureau of Customs any rights or duties in connection with the administration of the national prohibition act, as amended, or any other law relating to the enforcement of the eighteenth amendment.

The Coast Guard is likewise without specific authority to enforce the provisions of the national prohibition act.

It could not be allocated to the Coast Guard, where a study is now being made as to where and how more money could wisely be expended. Until that is done and we enact the necessary legislation authorizing units under the proposed expenditure, the money could not be spent for the Coast Guard, and this amendment grants no such legislative authority.

Furthermore, in the Department of Justice, there is no place to use any great amount of this money unless you also enact

legislation. They may need more judges. The additional judges that were given have appreciably reduced the number of prohibition criminal cases pending in the last year. If more judges are wanted, they could not be secured through this appropriation. Congress must first act on legislation to create the judgeships and many of those bills are now pending in the Senate. The money could be used to employ more assistant district attorneys, but I am to-day advised by the Department of Justice that these appointments, under the law, can only be made on request of the Federal judges and that they have appointed every assistant district attorney that has been requested and they have never been handicapped by lack of money for this purpose.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. MICHENER. I yield to the gentleman five minutes more.

Mr. CRAMTON. These defects emphasize the necessity of proceeding in a constructive manner in determining what the needs of each particular service may be. Any other procedure would inevitably result in a waste of funds and the benefits, by way of actual enforcement, would be very questionable and really negligible.

MELLON'S STATEMENT ON THE $24,000,000

Secretary Mellon in his letter made a statement—and I say that Secretary Mellon has never been hostile to law enforcement, as I have had opportunity to know through personal contact with him in connection with the reorganization of the Prohibition Bureau, and he is honest—if you will read his letter any fair-minded man who is not seeking political results will find that he well points out the unwisdom of appropriating $24,000,000 for which nobody has asked. In his letter of January 21 to Bishop Cannon he said, in part:

As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not rest solely upon the Bureau of Prohibition, but its success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and, what is even of more vital importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial. What I endeavored to point out in my letter to Senator WARREN is that the Harris amendment makes the additional funds available to the Prohibition Bureau only and restricts the uses by that bureau, with no discretion in the Secretary of the Treasury. There are now 21,000 liquor cases pending in the Federal courts and causing congestion, with no relief in sight.

The Customs Service needs additional guards in the principal ports and the border patrol needs strengthening, while in so far as the Coast Guard is concerned, Admiral Billard is at present undertaking a survey as to the ships needed to replace a number of destroyers whose usefulness has been pretty nearly exhausted, and is prepared to recommend an increase in the commissioned personnel of the Coast Guard. The Harris amendment would not make funds available for any of these purposes, nor could the additional money provided for be used for the educational purposes which you emphasize in your telegram.

Under these circumstances, can it be fairly said that an appropriation of $25,000,000, made with these restrictions, would of itself constitute an intelligent and effective means of promoting prohibition enforcement?

I note that in your telegram you suggest that the restrictions be removed and that $25,000,000 be made available to the Secretary of the Treasury to spend as he sees fit. This, of course, is not the Harris amendment now pending in Congress; and aside from the fact that it would make no provision whatsoever for relieving the congestion in the courts, which to-day constitutes one of the major problems in the field of prohibition enforcement. I want to suggest whether you consider it good practice to place so vast a sum in the hands of a public official with unlimited discretion as to its use? It makes no difference whether that official be the Secretary of the Treasury or some other chief of an executive department of Government, I do not believe that adequate protection of the public interests and the proper safeguards that should always surround the expenditure of public funds can fairly be said to have been provided for if an appropriation of this character is made. Such a program would break down the safeguards of the Budget system, and the effective and proper control which Congress exercises over the expenditure of the public funds. I think that upon second consideration you will realize that this is not a minor question but a fundamental one, and that in the long run, whether in the prohibition field or in any other field of government, infinitely more is lost than gained if for the sake of accomplishing immediately a purpose, no matter how desirable, a fundamental principle of good government and sound practice is violated.

LIQUOR LAWS FAIL IN NONPROHIBITION COUNTRIES

They say the law is not enforced in this country. The liquor traffic does not obey the law in any country at any time, and whatever the form of the law, it is not fully effective. I recently read in an Associated Press dispatch how Ontario is proceeding to limit shipments to our country because they come back to them and go through their bootleg channels. The item reads:

DETROIT, November 22.—It was reported to-day that a decision by W. D. Euler, Canadian Minister of National Revenue, to limit the number of liquor export docks along the Canadian side of the Detroit river will result in closing of 20 docks maintained by small exporters.

Euler's decision, according to the newspaper, followed a conference with Sir Henry Drayton, chairman of the Ontario Liquor Control Board.

The reason ascribed by the newspaper for reducing the number of docks to 10 is that Ontario government officials have found that much of the liquor consigned to Detroit has been finding its way back into bootleg channels in Canadian border cities.

I find in another Associated Press dispatch that Bucharest has discovered that half the population are drinking moonshine liquor:

HALF OF CITY FOUND USING MOONSHINE—BUCHAREST OFFICERS SEIZE WINE MADE OF ANILINE DYE AND SACCHARINE

BUCHAREST, RUMANIA, December 1.—The government has discovered that half the population of this wine-drinking city has been consuming moonshine and other adulterated liquors. An epidemic of acute eye troubles has been traced to the synthetic wines and it has been estimated that the moonshiners have taken in more than $500,000.

Analysis of the fraudulent wine showed that it contained only 1 per cent of grape juice. Aniline dye, saccharine, and low-grade alcohol formed the principal basis of the concoction.

I find in the paper this morning that Yugoslavia intends to take strong measures against alcoholic drinks, even to the extent of arresting those who drink, because of so much excessive drinking in that nonprohibition country, according to another Associated Press dispatch:

PLANS LIMIT ON LIQUOR—YUGOSLAV GOVERNMENT TO BAN EXCESSIVE RUM DRINKING

BELGRADE, YUGOSLAVIA, January 30.—The new government intends to take strong measures against alcoholic drinks. While total prohibition is not contemplated, the government, being appalled at the effects attributed to excessive drinking, has decided to make drunkenness a crime.

Anyone found drunk in a public place will be severely punished, especially if the offender is a civil servant. Certain repressive measures included already in the new penal code will be greatly strengthened.

PROHIBITION HAS PROVEN ITSELF HERE

We lack much of having the enforcement desired in this country, but we are making good progress. Rum row on the Atlantic coast has practically disappeared, the work on the land borders is being better organized, and unlawful diversions of industrial alcohol are being greatly reduced. Those are Federal problems. The States and the cities have their share of the responsibility and can not afford to much longer neglect that responsibility. Better enforcement will bring better results, but even with such enforcement as we have had, Irving Fisher, professor of economics at Yale; Henry Ford; Babson, the great statistician; and other great authorities agree that it has proven itself as a great industrial and social benefactor. This is shown by the fact that deposits in savings banks increased from thirteen billion in 1919 to twenty-six billion in 1926, and the number of such accounts from 29,000,000 to 48,000,000. The number of high-school students increased from 312 per thousand of children of 14 to 17 to 473 per thousand. The life insurance increased from $334 per capita to $543. At the same time the people were using much more generally the necessities and the luxuries of life.

W. C. T. U. AND METHODIST BOARD WILLING TO WAIT FOR HOOVER

Our Democratic friends would have you think that all the dry leadership of the country is clamoring for this amendment. It is only those excitable bishops of Virginia and these excitable Democrats who are insisting on it.

As a matter of fact, the people I most admire are those devoted prohibition advocates, those sainted women who for years have battled against overwhelming odds to outlaw the saloon and who in this last campaign contributed so much to the splendid result. I refer to the Women's Christian Temperance Union. [Applause.] Those women are not concerned about politics. They have no fences to mend, but they are keeping their heads and they are not asking for this $24,000,000. They trust Hoover and are willing to wait a few weeks for him. The gentleman from New York [Mr. DAVENPORT] was interested to know their attitude, no statement having come from them, and so he wired to Mrs. Ella A. Boole, president of the Women's Christian Temperance Union, asking her position, and she sends

this telegram in reply, which I have secured his permission to read to you:

The National Woman's Christian Temperance Union has taken no stand in the present confused situation about the $24,000,000 deficiency appropriation.

Listen!

Because we are confident the new administration, after careful study, will have its own plans and will present its own needs for money.

[Applause.]

And let me say to any drys that if they will just follow Herbert Hoover's leadership they will have a dry record upon which they can go into any dry district of this country. [Applause.]

That is not all. I sought an opinion from the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, nothing having been volunteered by that board, and Doctor Wilson in reply expressed also their desire not to add to the existing controversy or become a party to it. He did say, however:

We take it for granted that the appropriation will not be effectuated either because of disagreement between the two Houses or because of presidential veto, and we trust that as soon as possible Congress can enact well-conceived legislation allocating necessary funds to the various departments on the basis of a thorough understanding of the needs. We take it that such appropriation must necessarily include consideration of a possible enlargement of the judicial establishment of the United States Government.

The complete letter and extract from Doctor Wilson follow:

BOARD OF TEMPERANCE, PROHIBITION, AND
PUBLIC MORALS OF THE METHODIST EPISCOPAL CHURCH,
Washington, D. C., January 29, 1929.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

DEAR MR. CRAMTON: In reply to your inquiry by telephone will say that the inclosed short comment on the proposal to appropriate twenty-four or twenty-five million dollars for the purpose of prohibition enforcement appeared in the Clip Sheet of January 21. At that time, however, the proposal was to make this available to the Prohibition Unit only, and what we said under those circumstances would not now apply.

It is our judgment that any statement by us at this time would necessarily be subject to such misrepresentation as to be injurious to the board and to the cause. We would like, therefore, to refrain from participating in the discussion.

We take it for granted that the appropriation will not be effectuated either because of disagreement between the two Houses or because of presidential veto, and we trust that as soon as possible Congress can enact well-conceived legislation allocating necessary funds to the various departments on the basis of a thorough understanding of the needs. We take it that such appropriation must necessarily include consideration of a possible enlargement of the judicial establishment of the United States Government.

With best wishes.

Sincerely yours,

CLARENCE TRUE WILSON,
General Secretary.

TWENTY-FIVE MILLION DOLLARS

The suggestion that the appropriation made available to the Prohibition Unit be increased by $25,000,000 is an evidence of a sincere determination on the part of Congress that the law be enforced.

We do not believe that $25,000,000 can be wisely used by the Prohibition Unit at the present time. If and when measures are taken to relieve congestion in the Federal courts, substantial additional sums might be used to the advantage of the country.

However, there is no doubt that the funds appropriated for prohibition enforcement are insufficient. Several million dollars, at least, could be used in educational and investigation activities.

Evidently the whole field of law enforcement should be thoroughly studied and a conclusion should be reached with regard to the necessities of the Department of Justice, the Coast Guard, and the Prohibition Unit. Whatever appropriations are necessary for effective coordinated effort should eventually be made and no doubt will be made. Those sums, however, should cover only the legitimate activities of the Federal Government. The insincere proposal of Senator BRUCE to appropriate $300,000,000 for the enforcement of the prohibition law by the Federal Government was simply a publicity "stunt" in keeping with the fanatical record of that retiring Senator. (Extract from Clip Sheet.)

Not all the dry leadership has gone to rocking the boat. Why should it when for the first time a President has been elected on the platform of preserving and making effective the eighteenth amendment, and in a few weeks he will be inaugurated?

ILL-ADVISED APPROPRIATION WOULD BE DISASTROUS TO DRY CAUSE

The superintendent of the Anti-Saloon League in my State has telegraphed me to support this $24,000,000. I will not admit that he has any better knowledge of the situation here than I have. I will not yield to him in my devotion to this cause. In my sober judgment, the appropriation of this $24,000,000, which no official of the Government has asked for and with no program here for its expenditure, would be a setback to the dry cause that would be disastrous on the eve of the dry administration of Herbert Hoover. So I hope that every dry, and I hope that every man who has any idea of good business administration of the Government will support the demand to send this bill to conference without tying the hands of the conferees. [Applause.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA]. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, this is an opportunity I have long sought. Now is the time for every man to declare himself on the question of prohibition.

Gentlemen, the last election is over. This question of Raskob and Al Smith is only a red herring which the demoralized drys are now drawing across the path.

Why, the great leader of the prohibition forces in the House of Representatives, the distinguished gentleman from Michigan [Mr. CRAMTON], talks about prohibition in Yugoslavia, in Rumania, and in Ontario, but not one word does he say about the disgraceful conditions in the State of Michigan.

The question here is not on the rule. The question here is not on instructing the conferees. The question now is to demonstrate that prohibition is impossible of enforcement. Whether you appropriate $24,000,000 to-day or not, you will have to do it eventually, and, as I have stated on the floor of the House so many times in the last 10 years, it will cost you $200,000,000 and $300,000,000 a year before you can convince "those honest and sincere women of the Woman's Christian Temperance Union," referred to so solicitously by the gentleman from Michigan [Mr. CRAMTON], that the so-called prohibition leaders and Anti-Saloon League are faking and to whom they are making misrepresentations as to its success, that prohibition enforcement has completely broken down. It is necessary to have additional funds to prove to some who are not yet convinced that prohibition simply can not be enforced.

I believe the only cure for prohibition is prohibition. We have to apply a homeopathic treatment. Will any of the drys stand up to-day and say that we have enforcement? Do you want to countenance the present disgraceful condition?

I admit that my purpose in voting for this appropriation may be different from that of the dry Members of the House. I vote for it because I have taken the stand and the attitude that we must convince the American people that prohibition is a failure, and the only way to do it is by attempting to enforce it.

Do you not see how the drys are being demoralized? Do you not see how we have broken their ranks? Do you believe for a moment that the Anti-Saloon League wants to see this money appropriated? Not at all; McBride did not come out for this appropriation until he was sure that CRAMTON and COOPER and the rest of the dry leaders here had enough votes to vote it down. So McBride will go to one-half the people and say, "Why, we were for it," and the dry leaders will go to the other half and say that they were against it. They are playing the old Anti-Saloon League game.

Why, it was stated we should not embarrass the President elect. It was stated this was intended to embarrass him? Are you afraid to trust Herbert Hoover with $24,000,000? I am not. I have confidence in the honesty and the ability of Herbert Hoover and I am not afraid to trust him with this $24,000,000, and I know that Herbert Hoover is big enough that when we give him this money, after he will have tried this "noble experiment," he will come back to the Congress and say, "I can not enforce this law; the law can not be enforced, and the next best thing to do is to deal with it constructively and bring about the necessary modification that will make the law possible of enforcement." [Applause.]

The situation to-day marks a turning point in the history of prohibition. It is a condition that many of us who realize that prohibition as a national proposition was not feasible and was not enforceable anticipated. We opposed it from the first day of its enactment. It can not be said, however, that we opposed it by refusing appropriations or hampering its enforcement. For 10 years I have constantly advised my colleagues that the law was not being enforced. I have repeatedly brought to the attention of Congress case after case, instance after instance of official graft and corruption. I have exposed here on the floor of the House wholesale violations running into millions of dollars. I have brought here facts and figures showing a

universal and general disregard of the law. To-day the proposition is: Are the drys, the supporters of prohibition, the champions of prohibition, ready to admit defeat or are they ready to have or to take one more chance and see what they can do? Oh, gentlemen, you will remember the early days of prohibition up to only a very few months ago, the dry leaders of this House taking the floor and demanding enforcement, asking for appropriations to carry out the mandate of the prohibition law.

You can still remember the applause which followed every statement asking for enforcement. I pointed out so many times, and I repeat at the risk of becoming tiresome, that there is no attempt made by the Federal Government to enforce prohibition in many of the States of the Union. Of the 500 largest cities in the United States, 480 of them have never seen a single, solitary prohibition agent. If this is a national law, it is a law for all of the United States, and not only a law for the city of New York, the city of Chicago, the city of St. Louis, or the city of Philadelphia. It can not be said after 10 years of trial that the department does not know how to spend the increased appropriations. The testimony of General Andrews, Assistant Secretary of the Treasury, still a matter of record, the recent testimony of Doctor Doran, Commissioner of Prohibition, indicate that the present appropriations are insufficient, and not even enough to permit them to scratch the surface.

The drys to-day are demoralized and routed; they are divided. It is the first big defeat that they have encountered; but, gentlemen, they have not yet surrendered. We must go through this costly process of appropriating additional $24,000,000, and next year perhaps $50,000,000 more. The present cost of prohibition is in the neighborhood of $50,000,000 or $60,000,000. It will soon be, no matter what we do to-day, $100,000,000 and $150,000,000 a year. To commence to patrol the Canadian border, the Mexican border, and the semblance of a Coast Guard along the Atlantic and Pacific Oceans will run the appropriations to $300,000,000. The dry Congressmen know that, the professional drys know that; but there are a great many people in this country—sincere drys—who are being deceived, who are being told that prohibition is a success, who are being told that the law is being enforced—these good people are not yet convinced. Costly as it may be, we must appropriate additional funds. Let the professional drys, let the dry Congressmen, try anything that they will, employ as large a force as they desire, and the conditions will be just as rotten then as they are to-day. There is not a State, a city, county, or village in which liquor is not sold. The consumption is so great that a conservative estimate fixes an amount of $1,000,000 a day which passes hands in the shape of corruption and graft to Federal, State, and municipal officials. Such a condition is intolerable. Such a state of affairs is disgraceful and demoralizing to established government.

What is the position of the drys to-day? If they should take these funds, the responsibility is upon them in making good or admitting that prohibition is a failure. If they refuse the additional funds, they countenance the existing condition, which stands as a living example and the positive proof that prohibition is a failure. It is either admitting failure to-day or admitting failure to-morrow. Naturally a good many drys run to cover. Their only stock in trade is at stake. If they can delay the day, their political power is extended just so long. They will vote down this appropriation, then return to their home towns and talk about terrible wet New York and talk about only the aliens violating the law, and continue to tell their constituents what a success prohibition is. Given the additional appropriation, responsibility of enforcing the law rests upon them, and I again repeat they must make good or admit failure. I care not whether this additional fund was injected into the bill for political reasons or not. It goes to show the danger of prohibition, its enormous cost, how it will disarrange all budgetary arrangements, how it will make further reduction of taxes impossible, how it will impose unheard of burden on the shoulders of the taxpayers, how it will disrupt organized government. Naturally, the drys are in confusion to-day, and it would behoove the wets to keep the drys agoing, to keep their ranks broken, to press hard now that we have them on the run. Unfortunately, the wets are divided. Naturally, every Member has the right to vote according to his best judgment. I can not see, however, how any wet desirous of bringing about a change by proper legislative or constitutional channels can fail to avail himself of this opportunity. It is true that by voting for these appropriations a Member from a wet district might be misunderstood. It is true that the full meaning and importance of this appropriation may not be generally understood. Every statesman must take the risk of being misunderstood temporarily in the course of bringing about reforms and changes which he seeks. I know that people will come into my district and misrepresent my attitude. They did that last year, but my constituents are too intelligent to be misled by any misstatement or by deliberate lies, whether the speaker is drunk or sober when he makes those statements. I am not afraid of facing the situation. I am sent here to bring about a modification of prohibition, and I may properly use every technical, parliamentary, legislative, and lawful means available to bring about that change.

The people that I represent want law reform, not law violations. So the wets to-day have this opportunity presented to themselves. As we divide, we take that course which will hereafter classify us in this great fight. By voting for this appropriation, we act as statesmen bent upon bringing about a change in the existing intolerable conditions. By voting against it, one is willing to be classified as a congressional gigolo willing to dance at the snap of a bootlegger's fingers. [Laughter.]

There is a difference in being a wet seeking to bring about a modification of prohibition, and simply being a wet willing to make things easier for the unlawful sale and consumption of poison alcohol.

The letter from the Secretary of the Treasury either to Senator WARREN or to the gentleman from Kansas [Mr. ANTHONY, the chairman of the Committee on Appropriations of the House] was anything but convincing. If after 10 years he does not know how to use additional funds, then he should come out and say frankly that prohibition is a failure, and as part of the administration ask the President of the United States to inform Congress of the entire breakdown of prohibition, the impossibility of its enforcement, and for legislative action to remedy the existing condition by bringing about a safe and sane policy of liquor control which will permit the sale of wines and beer and stop the present wholesale consumption of hard liquor and poison alcohol. If he is not willing to take that stand at the present time, then, as I pointed out in my remarks of January 23, 1929, he can use every penny of the additional $24,000,000 in an attempt to enforce the law, or he can use $3,000,000 of this appropriation right in the city of Washington without in the slightest creating inconvenience to "official" Washington. He can use several million dollars in the city of Detroit, whose Representatives in Congress, known as dry leaders, to-day are opposing this appropriation. He can use several million dollars in denaturing plants and supervision of permittees using poison alcohol and prevent hundreds of thousands of gallons—yes, millions of gallons—of poison alcohol being diverted into beverages.

As a wet who is convinced that the present prohibition law is a failure, I shall vote for this appropriation in the course of trying out this so-called experiment and convincing the American people that, regardless of the millions of dollars that are being spent, it can not be enforced, and that a modification of the law is not only necessary but inevitable. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, it has not been necessary for me to consult with Doctor McBride, or the Women's Christian Temperance Union, or Doctor Wilson and his board of Methodist "moralists," or with anybody else as to how I should vote. I could not very well consult with any bootlegger because all the bootleggers are in the Republican Party. They constitute the nucleus of the Republican organization in my city of New York. Every bootlegger voted for Herbert Hoover. [Laughter and applause.]

The chairman of the Rules Committee, of which I am a member, has said that there are four classes of people who favor this amendment. He said the first class is composed of the hysterical "drys." If I am hysterical at all I certainly am not aridly so. [Laughter.] I think he meant the Members who are afraid of Doctor McBride—I do not know what kind of a "doctor" he is, but he certainly has a lot of sick patients on his hands to-day. [Laughter.] Then the distinguished chairman said the second class are the bitter wets, who tried the other day to adopt the amendment for $250,000,000 more to enforce prohibition. As you all know, I have been somewhat opposed to prohibition. I voted and spoke against that $250,000,000 appropriation, as I am going to vote to-day for the rule and against this $24,000,000 appropriation. [Applause.]

The gentleman from New York [Mr. SNELL] said the third class was composed of Members who wanted to rehabilitate themselves in their districts. That can not possibly include me.

Then he said the fourth class were those who wanted to embarrass the new President. I can assure him I would not do that. The leaders of my party have no intentions of doing so. We wish him success and hope he brings to this Government the best administration—and God knows we need it—that the country has ever had. [Applause.]

Now, there is a certain atmosphere here in which men are struggling between fear and doubt—fear of the lash, fear of this McBride, who, in Collier's of last week, said to Herbert Hoover: "If you do not do as we tell you to do, four years from now you are going to be greatly embarrased"; a common, vulgar person threatening the head of the Government of the United States!

My position now is and always has been that I do not believe the American people want this law enforced. I do not know of a solitary individual who wants it enforced against himself or his friends. I do not believe that any amount of money will enforce it. I want Members of the Eightieth Congress to read the debates in the Seventieth Congress, and they will, I am sure, look back and say, "How could they ever think of it?" Because I am confident that in the Eightieth Congress not a single dollar will be appropriated to enforce the prohibition law. I am sure that is the way this law is going to be "repealed" and "modified."

There is much talk of figures. Somebody has said here to-day that only 15 per cent of the people of this country are wet. Let me say that no law passed by this legislative body or any other legislature can be enforced if 15 per cent of the people are opposed to it—or even 10 per cent. Assume you have ten or fifteen million people—I think the more exact figures will be fifty or sixty million people—but let us assume there are only 10,000,000 people opposed to it. You can not enforce it, because there must be something fundamentally wrong with any law when any considerable number of people are opposed to it. You do not have that trouble with any other laws. You do not have to appropriate $35,000,000 to enforce any other law. I would not vote for $24,000,000 to enforce any law, no matter what it provided, because I know that the mere fact that you require that much money to enforce it is proof positive that your law is fundamentally wrong and not consonant with the wishes of the American people. [Applause.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and in that connection I also ask unanimous consent to incorporate as a part of my remarks a telegram from Judge Johnson J. Hays, of the middle district of North Carolina, bearing on this question.

The SPEAKER pro tempore (Mr. RAMSEYER). The gentleman from North Carolina asks unanimous consent to revise and extend his remarks and in that connection incorporate a telegram. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker and gentlemen of the House, no question now before the American people is of greater importance than that of prohibition. It affects the moral, social, and industrial life of the Nation to a greater degree perhaps than any other subject.

In the recent national campaign, while both parties endeavored to prevent the prohibition issue being made paramount, yet it was perhaps more widely discussed and had a greater bearing upon the result than any other one issue.

The subject under consideration to-day is whether or not the Congress will take a forward step toward better enforcement of this much-discussed law—whether or not it will provide additional funds for its effective enforcement. While there are honest differences of opinion as to the success or failure of the prohibition law, every fair-minded person must admit that up to the present time it has never had a fair trial. Those who have opposed the law from its inception—and I do not question their honesty—stoutly maintain that the law can not be enforced and that it is a loss of effort and waste of money to make further attempts in the direction of enforcement. But in my judgment a great majority of the American people believe in the law. They believe with partial enforcement it has accomplished much good, and with better enforcement the benefits of the law will be much greater and more fully realized.

If the law is ever to succeed and its ordained purpose to be accomplished, violators of the law must be apprehended, tried, and punished. Probable apprehension, speedy trial, and severe punishment must stare violators in the face before the law will ever succeed and accomplish the results for which it was enacted.

It is the duty of Congress to provide adequate funds whereby those who willfully and persistently violate this law can and will be apprehended. It is then the duty of the executive department of the Government to carry out the will of Congress, and in so far as it is humanly possible and reasonable bring the violators into court, and if this is done I am certain within a very short time the merits of the law will be fully established and its purpose and intention vindicated.

If the Congress provides the machinery by placing at the disposal of the Treasury Department the necessary funds for the effective enforcement of the law, I have no doubt whatever but that the judicial arm of the Government—the Federal courts—will administer sufficient punishment to make the law the same success and give it the same dignity and standing as other laws.

In the State of North Carolina, which I have the honor in part to represent, the alibi of those in charge of enforcement, and I believe it is a just one, is that the force is not sufficient to cope with those who violate the law. With 100 counties in our State there are only about 30 men employed to enforce the prohibition law. Everyone knows who is at all familiar with the subject that this force can not, no matter how diligently and honestly it strives to do so, bring to the bar of justice any considerable number of those who make it a business and earn their livelihood by the illicit manufacture of and traffic in intoxicating liquors. Certainly not fewer than two men on the average to each county can make any reasonable progress whatever toward the enforcement of the law, as the Government enforcement officers have to contend with a highly organized, intelligent, and well-financed group of offenders.

It is frequently charged by those who oppose prohibition that further appropriations should not be made for the reason that those employed in the enforcement of this law are unfaithful, dishonest, and do not seriously attempt to enforce the law. In other words, that they accept bribes and close their eyes to the flagrant violations.

My knowledge of those who are engaged in the very difficult work of apprehending and bringing to trial the professional moonshiners and bootleggers is that this wholesale denunciation and criticism is unwarranted. They certainly have a very difficult position to fill, and in my State, I believe, as a whole they are as faithful and honest as other enforcement officers.

If the executive department of the Government will strengthen its force, capture those who are violating the prohibition law, the courts in our State will adequately punish the guilty. When this is done the violations will not be so frequent, and fewer men will take the risk of engaging in the business.

Judge Johnson J. Hayes, of the middle district of North Carolina, a very able and upright judge, has wired Senator OVERMAN urging that this amendment be adopted and that the appropriation of $24,000,000 be made. Judge Hayes was for a considerable time solicitor in the State of North Carolina, and it was his duty to prosecute all those who were charged with criminal offenses. In the prosecution of the State docket he became acquainted with the violators of our State prohibition law, and is perhaps as familiar with the prohibition subject in all its relations and aspects as any man in the United States, and he maintains the one great need is larger appropriations and more men with which to run down and bring to justice those who are professional violators of the national prohibition law.

Judge Hayes's telegram to Senator OVERMAN:

> Trust you will use your influence to secure passage of the Harris prohibition appropriation. This amount should treble the present number of agents. In my opinion, this is wise legislation and will meet the necessities in rural communities such as our district.

Those who oppose this amendment do so under the pretense that the money can not be successfully and effectively used until greater knowledge is gained of the real situation. However, if they have not within the past eight years become familiar with the true situation, they certainly never will do so. There are many who believe prohibition will not be enforced successfully while left in the Treasury Department. A recent communication by the Secretary of the Treasury to Congress has confirmed many in that belief. The American people are determined, however, that the prohibition law shall be enforced and that those in authority must be left with no excuse for half-hearted, insincere efforts in the direction of law enforcement.

Mr. Speaker, it is the old subterfuge of those who try to conceal their own duplicity to allege that those differing with them are insincere. There has been an obvious manifestation of that spirit here to-day. Those opposing this appropriation are inconsistent when they hypocritically profess that they are sincere in their desire to see the prohibition law enforced and that those who differ with them are trying to play politics. It is always good politics for any party or any individual to do right.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes. I gladly yield to my friend Judge CRISP.

Mr. CRISP. The country manifested its approval of Mr. Hoover, and I have confidence in him. If this amendment should be carried and the $24,000,000 appropriated, will this not be the effect of it: If Mr. Hoover, as President, desires the money

to enforce the law and he sees where he can advantageously use it, he will use it. If he does not, he will not use it and it will remain in the Treasury and none of it will be expended. But it will simply evidence to him and the country that Congress desires to give him all the money he may need to enforce the law.

Mr. DOUGHTON. Mr. Speaker, I thank my colleague for his very illuminating and timely statement. There is not any doubt but what Mr. Hoover, the incoming President, can use this money if he sees fit to do so. If not, it can remain in the Treasury.

While there is nothing in the record of Mr. Hoover up to the time he became a candidate for the Presidency to indicate that he is a real prohibitionist, yet from the declarations he made during the campaign one would infer he is in sympathy with the law and will endeavor to have it enforced. Up to the time he became a candidate, so far as I have been able to ascertain, he had never identified himself with the prohibition cause, never made a prohibition speech, or written a magazine article on the subject of prohibition. He had no record whatever as to prohibition. He had been connected with the present administration, and so far as is known was in sympathy with all its policies. In fact, he so expressed himself in his campaign utterances, and everyone knows that the present administration has made no earnest, determined effort to enforce the prohibition law. I will not say it has not been honest, as charged by some, as I do not question a man's honesty unless I have the greatest and gravest provocation to do so.

In my judgment a great majority of the American people are determined that the prohibition law shall have a fair trial and that a much greater effort shall be made in the future than in the past to have the law enforced, and everyone at all familiar with the subject knows that the first step essential in a campaign for better enforcement is an adequate appropriation to carry forward the work in a determined and successful manner.

Doctor Doran, Commissioner of Prohibition, has said that more money is necessary for the better enforcement of the law. Those in charge of the Coast Guard and who are endeavoring to prevent the smuggling of intoxicating liquors in this country plead as an excuse for their failure that they do not have sufficient boats at their command with which to run down those who are engaged in the violation of the law along the Atlantic coast. I would much rather have the word of Doctor Doran, Admiral Willard, and Judge Johnson J. Hayes, who know by actual experience and by direct contact what is needed for the proper administration of the law, than the honorable Secretary of the Treasury, a man whose time and attention is occupied by numerous other duties and responsibilities and who gives little or no attention to the enforcement of prohibition. In fact, Mr. Mellon, before he became Secretary of the Treasury, is reputed to have been the largest distiller in the world, and his heart has never been in the work so far as enforcement of this law is concerned.

If this appropriation is not made now, Mr. Hoover, when he becomes President on the 4th of March, will find himself without sufficient funds to proceed with the enforcement of prohibition. It is understood that an extra session of Congress, if one is called, will deal only with the matters of tariff and farm relief, therefore, the question of prohibition will not receive consideration and no appropriation will be made before Congress meets next December in regular session. Of course, it will be several months after that before anything will be done. If the money is provided now the new administration will have no excuse. If a survey is needed or a committee is to be appointed to look into the matter and make a report to Congress, it can be done during the summer, so when Congress meets in December all the information will be at hand, and the President can make his recommendation and Congress can proceed in the light of the facts that have been adduced. There is everything to gain and nothing to lose by making the appropriation now and those who are trying to prevent the passage of this bill, whether intentionally or unintentionally, are playing into the hands and strengthening the arms of those trying to discredit the law and making it harder and more difficult as the days go by for it to ever be enforced.

The issue will not down. It must be squarely met and in my opinion the great body of the American people who believe in prohibition and believe it can be enforced will hold in disgust and contempt any further half-hearted sham battles with respect to the enforcement of this most important law.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, my own attitude toward this prohibition question is I think fairly well known. I was a Member of the House in 1913, when an attempt was made to send the prohibition amendments to the States. We had a majority, but not two-thirds, and it went no further. I voted for prohibition at that time. I voted for the present eighteenth amendment when it was sent to the States. I voted for the Volstead law for the enforcement of that amendment. I have voted and expect to vote for every appropriation for the enforcement of that law, but I shall not vote for the $24,000,000 proposed in the present amendment. [Applause.]

No estimates have been made as to any amount needed that would include this appropriation. At the beginning of this session of Congress, after the President had sent us his annual message, he did send a separate message giving estimates of the amount needed for the whole executive branch of the Government, including the Prohibition Bureau. For that bureau the estimate was $13,400,000. Including the amount used in prohibition work by other organizations, such as the Coast Guard, the customs officers, the border patrol, the Federal courts, apportioning the amount spent by each of them in prohibition cases, the total amount spent for prohibition is something like $30,000,000 or $35,000,000 a year. That is not a staggering sum. It would not appall me if we appropriated twice as much.

If no estimates have come to us from the executive branch of the Government, which is the recognized mode of bringing appropriation questions before the House, the only approved mode since we adopted the Budget system, how did this proposal originate?

Mr. Doran, when he appeared before the Appropriations Committee, was asked whether he could enforce prohibition, whether the work of the Prohibition Bureau could be effectively done with the amount the Budget Bureau estimated to be necessary, $13,400,000. He said, "Yes." When he was further inquired of, he did say that if Congress wanted to change its whole policy and go into general police work, it would take $300,000,000 and a network of United States courts. Everybody knows that the general police work of the country is not administered by the National Government but by the States and municipalities; and the National Government has no authority to do it except as the eighteenth amendment gives it police power in the one matter of prohibition. Some one seized on that statement that $300,000,000 would be necessary for the general police work of the country, with a great network of United States courts, and, whether intentionally or otherwise, misrepresented the statement of Mr. Doran. When the Treasury appropriation bill came back to the House from the Senate it had in it an amendment increasing the amount for prohibition to $270,000,000, if my memory is correct. The rules of the House forbid me to say that that amendment was offered in the Senate in a spirit of sarcasm, and therefore I shall not say it. The amendment disappeared in the conference committee. Now, we have a proposal in the deficiency appropriation bill for $24,000,000, in addition to the $13,400,000 asked for by the President, and for this additional sum no estimate has been made, no information has been given as to how it might be expended, and the head of the prohibition enforcement bureau says, I am told, that he would not know how to spend it. It would provide no additional judges, because the number of Federal judges is fixed by law. It would not increase the number of courts and it is in the courts that the congestion is found. The number of officers appointed in the various divisions and departments and bureaus of the executive branch of the Government is fixed by law, and no legislation is proposed by which the number would be increased.

It is proposed simply to throw $24,000,000 out into the dark in the hope that it may somehow hit the bootlegger and inflict a deadly wound on his unlawful traffic. I do not propose to throw money away in that fashion. I will vote for another proposal among the Senate amendments to this bill if I have a chance. It asks for $250,000 to pay the expenses of a commission of inquiry which it is expected Mr. Hoover will appoint for the purpose of investigating the whole question and proposing the best methods of enforcing the eighteenth amendment. When the investigation is made, if it is shown that twenty-four millions or twice that sum would be necessary to enforce prohibition, I shall vote for it. As I have said, my own attitude on the question is well known. People have told me that if I vote against the appropriation that my dry friends will misunderstand it. For two reasons, my dry friends will not misunderstand it. Those people have confidence in me and will not misunderstand my attitude. Secondly, if they had no confidence in me, they are intelligent people and will understand the situation when they know the facts. Being on the ground and in closer contact with the legislative situation in Congress, I know the facts just now better than they do, and I vote according to my own judgment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Speaker, the gentleman from North Carolina requested me to take charge of the time, and I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS]. [Applause.]

Mr. BYRNS. Mr. Speaker, I regret very much that some of those who have discussesd this question have sought to give it a political turn. [Laughter.] I am particularly surprised at the remarkable speech of the gentleman from Michigan [Mr. CRAMTON], my friend and a gentleman for whom I have a very great respect. Really after all, it was the only kind of a speech the gentleman from Michigan could make on the subject, because heretofore he has assumed the leadership of the dry forces in the Congress. But the gentleman in his remarks put himself in the rather unfortunate position of voting to refuse to trust the President, in whose election he was very largely influential, with $24,000,000 if he needs it in order to carry out the promise that he made to the people that he would enforce this law if he was elected President of the United States. [Applause.] The gentleman from Michigan says that there are some at the other end of the Capitol, and possibly some in the House who are seeking to rehabilitate the Democratic party by supporting this amendment. The gentleman referred to a number at the other end of the Capitol who had supported this amendment, but he failed to refer to his own two distinguished Republican United States Senators from the State of Michigan who heartily supported it as the RECORD shows, and I wondered if those gentlemen are to be accused of endeavoring to rehabilitate the party to which they do not belong. You can not throw dust in the eyes of the people of this country and those who believe in honest enforcement of this law whether they are wet or dry by statements of that kind. This is a plain, simple proposition. It has been testified before your committee that the enforcement bureaus have not sufficient funds to enforce the law.

Doctor Doran stated that he needed more money to properly enforce it. Admiral Billard, head of the Coast Guard, an honest and highly efficient officer of the Government, charged with preventing the smuggling of intoxicating liquor on the seas into this country, declared that he was not able effectively to prevent the smuggling of liquors on the Atlantic coast, and that, as a matter of fact, he was not doing anything upon the Pacific coast. He said he was not able to do so because he did not have sufficient boats and a sufficient force at his command. And that is not all. The Secretary of the Treasury wrote a letter on January 21, 1929, which was widely published over the country. The Secretary of the Treasury for eight years has been at the head of that department charged with the enforcement of this law, and, if rumor is true, is going to be at the head of it for the next four years. He said among other things in this letter:

> As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not rest solely upon the Bureau of Prohibition but its success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and, what is even of more vital importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial. What I endeavored to point out in my letter to Senator WARREN is that the Harris amendment makes the additional funds available to the Prohibition Bureau only and restricts the uses by that bureau with no discretion in the Secretary of the Treasury. There are now 21,000 liquor cases pending in the Federal courts and causing congestion, with no relief in sight. The Customs Service needs additional guards in the principal ports and the border patrol needs strengthening, while in so far as the Coast Guard is concerned, Admiral Billard is at present undertaking a survey as to the ships needed to replace a number of destroyers whose usefulness has been pretty nearly exhausted, and is prepared to recommend an increase in the commissioned personnel of the Coast Guard. The Harris amendment would not make funds available for any of these purposes, nor could the additional money provided for be used for the educational purposes which you emphasize in your telegram.

Thereupon in order to meet the objections of the Secretary of the Treasury the Senator from Georgia changed his amendment so as to place this fund in the hands of the President himself, who is at the head of all the departments, with full power to allocate all or any part of it to any department or bureau charged with the enforcement of the national prohibition act. It was passed by the Senate in that form, and that is the amendment which is pending before the House at this time. In the face of these plain admissions how are you Republicans going to justify your refusal to put this sum at the disposal of Mr. Hoover, whom you supported last November?

If he needs this sum to enforce the law and make good his pledges to the people, then he should have it, and as a Democrat I am willing to vote it. If he does not need it, he will not have to expend it; and I, for one, am willing to trust him, whatever may be your opinion of him. And yet distinguished gentlemen like the gentleman from Ohio [Mr. COOPER] and the gentleman from Pennsylvania [Mr. TEMPLE] and the gentleman from Michigan [Mr. CRAMTON], who are dry, who have always heretofore earnestly advocated the enforcement of this law, ask Congress, in the face of these statements of the Secretary of the Treasury, Admiral Billard, and Doctor Doran, who are charged with the enforcement of this law to wait six or eight months, or possibly a year and a half, in order that a survey may be made.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield there?

Mr. BYRNS. Yes.

Mr. TEMPLE. Would the passage of this $24,000,000 amendment permit Admiral Billard to increase the commissioned personnel of the Coast Guard?

Mr. BYRNS. Undoubtedly it would, because this amendment provides that the $24,000,000 shall not be placed in the hands of the Secretary of the Treasury but in the hands of the President himself, with power to allocate it to any department where he may think it is necessary.

Mr. TEMPLE. Could that be done without legislation?

Mr. BYRNS. Yes; so far as the border patrol and the Coast Guard are concerned. I regret that I have not the time to yield further. Let me say this to the gentleman from Pennsylvania, and also to the gentleman from Michigan, who said that this amendment as passed by the Senate would not permit the money to be used anywhere except by the Prohibition Bureau in the Treasury Department. I differ with these gentlemen, because, as I have stated, it provides that it shall be placed in the hands of the President, who will be Mr. Hoover after March 4, with power to allocate it to any department over which he has charge.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. In a moment. In order to satisfy the gentleman from Michigan I want to tell him and those who profess to be in favor of the enforcement of this law that if he will join those who are seeking to give the President of the United States the money which he needs to carry out the promises made to the people and if he will help to vote down the motion for the previous question on this rule, he will have an opportunity to vote for an amendment which I will offer if I can secure recognition and which will remove every element of doubt which may exist in the mind of the gentleman as to the power of the President to use this appropriation in any department where he may think it is needed. The amendment I propose to offer reads as follows:

> For the enforcement of the eighteenth amendment, the national prohibition act and supplemental acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquors and narcotics, the sum of $24,000,000 or such portion thereof as the President may deem useful, to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned, in accordance with existing law, and to remain available until June 30, 1930.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. I can not. Certainly that will satisfy the objection which the gentleman from Michigan raises to the amendment adopted by the Senate and I appeal to him to help vote down the motion for the previous question so that there may be an opportunity to offer it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. In a moment. The gentleman did not yield when he was on the floor, and I greatly regret that I have not time.

Certainly that will satisfy the objection raised by the gentleman from Michigan with reference to the power of the President of the United States to allocate this fund to those agencies which have charge of the enforcement of the eighteenth amendment and the prohibition laws passed thereunder.

Why, my distinguished friend, for whom I have a high regard—the gentleman from Pennsylvania [Mr. TEMPLE]—says we have no estimate. For eight years this condition of non law enforcement has continued. The excuse is now given that there has not been sufficient money provided to enforce this law.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BANKHEAD. Mr. Speaker, I yield to the gentleman three minutes. That is all I can yield.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for three minutes more.

Mr. BYRNS. For eight years they have not had sufficient money, according to Admiral Billard and Mr. Doran, and yet

year after year the Secretary of the Treasury and the President have come to Congress asking for the same amount they had the year before. How are you, whether you are wet or dry, but who believe in the enforcement of the law—how are you going to vote the money which they say is required if you are to follow the suggestion of the gentleman from Pennsylvania [Mr. TEMPLE], and wait until an estimate is submitted? [Applause.] We who are charged with some responsibility in this matter can not hide behind such a suggestion as that, when the facts are before us. In view of these facts, why has not the Secretary of the Treasury and the President asked for more funds?

This is not unusual. Congress appropriates $10,000,000 to be used as a defense fund by the Shipping Board in the discretion of the President; Congress appropriates $58,000,000 for rivers and harbors, to be expended under the direction of the Secretary of War, and in the last analysis by the President of the United States; Congress authorized an appropriation of $325,000,000 for flood control, which is to be expended by the Chief of Engineers under the authority and direction of the President of the United States; Congress places $200,000,000 in the hands of the Secretary of the Treasury for public buildings without power to say where it shall be expended. Why, then, can we not put $24,000,000 in the hands of the President for the better enforcement of the Volstead law if he needs it? Is there anything so peculiar about this appropriation as to distinguish it from these other appropriations, which these gentlemen, now so strenuously objecting because there are no requests or estimates, supported without question? The appropriation carried in this bill for the Prohibition Unit is $13,000,000.

True, we had a statement before the Committee on Appropriations as to how they expected to spend it. But we all know they are not bound by that statement. This is simply giving this power to the President of the United States. We Democrats who voted for another candidate last year are willing to trust him, and I want to ask you Republicans on this side of the Chamber why are you unwilling to trust him with the expenditure of this money in such manner as he may think wise? If he does not need it, I have confidence enough in him, and you should have confidence enough in him, to know that he will not spend it; but if you do not pass it now and wait for a survey there will be no appropriation until the next annual bill, and that bill will not go into effect until July 1, 1930. It is already known, according to the statement of the Secretary of the Treasury, that something is needed for the Coast Guard and the border patrol, and it should not take 48 hours to determine what amount is needed. If you favor the enforcement of this law, why wait until July, 1930, to meet the positive needs of the present hour?

Let us vote this appropriation for the President in the interest of the enforcement of this law which is on the statute books. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON. Mr. Speaker, the remarks just made by the gentleman from Tennessee afford ample confirmation of the claim made at the start of this debate that politics rather than law enforcement was the moving spirit behind this $24,000,000 provision. The approval with which the gentleman's plea was received on my right clearly indicates the popularity of the cause of political rehabilitation of certain Democratic leaders in Tennessee, Oklahoma, Texas, North Carolina, Virginia, and Florida. I might also add, in view of the very close results last election, in both Georgia and Alabama.

Mr. GREEN. What about Massachusetts and Rhode Island?

Mr. NEWTON. In any event, on the exchange we got more electoral votes than we lost.

Mr. GREEN. And more than you will ever get again.

Mr. NEWTON. Yes; if we follow your lead and play your game, which we are not going to do.

Mr. Speaker, just what is the situation? Here it is in brief: When we convened in December the estimates were received from the Treasury Department, including the prohibition service for prohibition enforcement. These estimates went to the Committee on Appropriations, of which the gentleman from Tennessee [Mr. BYRNS] is a very distinguished member. That committee reported to the House. There was no substantial change in the estimates for prohibition enforcement. The bill was debated and considered; possibly there was the usual talk against prohibition from some of our New York City colleagues. The bill passed without any request from the gentleman from Tennessee that it be increased to the extent of $24,000,000. If there had been need of this additional amount, certainly we would then have heard from the gentleman from Tennessee.

This bill then went over to the other end of the Capitol, where without debate $250,000,000 was added for prohibition enforcement. As I recall it, this was stricken out in conference.

Shortly after the first of the year, the urgent deficiency bill, this measure, was considered in the House. So far as I can recall, there was no suggestion on the part of anyone of adding $24,000,000 to enforce the prohibition laws. It went over to the other end of the Capitol, where, on the floor of that body, an amendment was offered and agreed to appropriating $24,000,000 more for "increasing the enforcement force." In the meantime there had been no request on the part of the Executive branch of the Government for more money, neither had there been any additional estimates furnished. Twenty-four million dollars is a large sum of money. The universal practice is for Congress not to appropriate even a small sum of money unless the need therefor is substantiated by appropriate estimates or detailed requests from responsible administrative officials. How often has the gentleman from Tennessee admonished us to stand by the Budget and to wait for departmental estimates even upon amendments involving $100,000? Twenty-nine other amendments were put on this measure at the other end of the Capitol, further substantially increasing the amount appropriated by this deficiency bill.

Under those circumstances, the universal practice in this House is to go to conference where each and every item that was changed in the other body can be thoroughly discussed and either eliminated or agreed to, with a recommendation to that effect to both House and Senate. It is almost the universal practice to do so. The gentleman in charge of this bill endeavored to do so day before yesterday. If there is any need of this appropriation, surely it would not be jeopardized in the usual conference between House and Senate. This course of procedure was deliberately stopped and prevented by objection from the minority. It, therefore, became necessary for us to ask the Rules Committee to bring in a rule which would permit this bill with the Senate amendments to go to the conference which the Senate has requested.

In brief, that is the situation. Why then so much debate about a proposition so obvious? The answer is not in a desire for prohibition enforcement, but to politically rehabilitate the fast-fading fortunes of the Democratic Party and some of its leaders in the South, and that, Mr. Speaker, is the reason and the only reason. The political fortunes of some of these leaders of the minority, because of the position they took before the action of the convention at Houston, and possibly later, are in a bad way. They need immediate relief.

Mr. HUDSPETH. Will the gentleman yield?

Mr. NEWTON. I am sorry I can not, because the gentleman from Texas needs no rehabilitation.

Mr. HUDSPETH. When the gentleman speaks of rehabilitation in Texas, who needs rehabilitation in Texas? There are 18 Democratic Congressmen who came here from that State with the usual Democratic majorities. That being so, who needs rehabilitation down there?

Mr. NEWTON. The party which carried the electoral vote and its leaders in the gentleman's State, and in these other States, needs no rehabilitation.

Furthermore, if there was a real earnest desire to appropriate this money for the enforcement of the prohibition laws, it would have been drawn so as to make the money available for each and every one of the various agencies of the Government that are engaged in the work of prohibition-law enforcement. As it is drawn it can be used by the Prohibition Bureau to increase its present force. However, as I read it, it could not be used by the United States Coast Guard for increasing its ships, nor for adding to its personnel, yet the Coast Guard is one of our most important agencies in enforcing the laws of the land. This is likewise true of the Department of Justice and the Customs Service. All of this indicates haste and lack of consideration of real enforcement. In addition, it lends further confirmation of what has been claimed is the main purpose of this amendment—that is, political rehabilitation of the minority and certain of its leaders in the South. Some of these leaders advocated nominating a man as their candidate for President long before the convention was called to order at Houston. They knew that this leader who was later nominated was wet. They knew that he was against the enforcement of the eighteenth amendment, and that he had personally advocated and secured a repeal of all prohibition enforcement laws in New York State. Governor Smith was nominated. Immediately thereafter he personally repudiated the dry platform upon which he was nominated. This was followed by the appointment of a national chairman, Mr. Raskob, who likewise was militantly wet, opposed to the eighteenth amendment and the enforcement act, and who likewise repudiated his party's stand on this question.

Mr. Speaker, this sort of leadership was naturally repudiated. There is a fear that if something is not done some of these leaders who were responsible for this will likewise be repudiated in the next two or four years. How can that be prevented, is the question that has been troubling them. How can these fading political fortunes be rehabilitated? How Raskob was called to rehabilitate financially during the campaign. Apparently these leaders now demand that the aid of the Treasury and the cause of prohibition be enlisted to rehabilitate them.

Almost four-fifths of the votes for this amendment over in another body came from the minority party.

Gentlemen, there are those of us here who have a consistent record in support of the eighteenth amendment and the enforcement act. Personally, if those charged with the responsibility of enforcing the laws of the land need more money and will give me some idea as to how it is to be spent, I stand ready to vote any reasonable additional sum. If after the 4th of March the new President feels that he should have additional moneys for this purpose and will so advise us, I stand ready to vote any reasonable additional appropriation. But, Mr. Speaker, I am not willing, under the guise of law enforcement, to appropriate $24,000,000 or any part thereof for the purpose of rehabilitating the political fortunes of any man. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker, let there be no misunderstanding here this afternoon. Gentlemen of the House, the people of the United States selected by a great vote and a great majority a distinguished citizen to be President. Now, the prohibition forces of the United States come up in an orderly, decent way and ask that in addition to the $35,000,000 that is carried in the bill, that $24,000,000 be placed in the hands of this new President of the United States to use as the exigencies or the emergencies may demand throughout the next fiscal year for the purpose of enforcing the prohibition law of this Republic.

All this Dolly Varden argument that is made here against it fools no one. [Laughter.]

These gentlemen that have been traveling all these years under the cloak of prohibition raiment, appearing this afternoon as false prophets in sheep's clothing, are ravening wolves and are against the very forces that put your party in power for the next four years.

You understand, gentlemen, that this talk about the people of the United States who happened to support the Democratic nominee for President does not appease the wrath of an outraged public. You are the people who are responsible for the enforcement of this law and the attempted ridicule that you place upon distinguished gentlemen on the Democratic side of this House, impugns their motives, and one distinguished gentleman, for whom I have the utmost respect, even said it was political business, when on your side I heard an able, distinguished, higher-college man, a minister of the Gospel, stand right here in this wellhole and say he would not vote for this additional $24,000,000 to enforce this law. With that in your mouths, with that going into the CONGRESSIONAL RECORD as publicity to be carried throughout this country from one end of the Republic to the other, is it possible that you can get away with such knavery? [Laughter and applause.]

This is an honest Congress. This amendment is put up here with honest intention. Can you stand before the American people and say that you are afraid to place $24,000,000 in the hands of the President of the United States to enforce the prohibition law?

Mr. SCHAFER. Will the gentleman yield?

Mr. QUIN. I have not time to yield.

You know you are not fooling yourselves and you do not fool a man on this side of the House; and I trust that none of your constituencies is so ignorant as to be fooled by such statements and such arguments as have passed the lips of gentlemen here this afternoon.

Men, it is time to have some good faith. If you are a prohibitionist, stand up with your votes and say so. Do not be double-crossing around in an endeavor to fool anybody. The gentleman from New York [Mr. LAGUARDIA] said he is going to vote with the prohibitionists here, but that his motives were not in accord with the motives of the prohibitionists. He goes out and says that he wants to tear the law down by putting up this $24,000,000. He goes out and attacks the Anti-Saloon League. There may be some errors made by the Anti-Saloon League, but we know they are engaged in a great moral work. We know the purpose of the Anti-Saloon League and of all the people who are endeavoring to do away with the liquor traffic in the United States. We know they are engaged in a most holy cause; and as one man representing an honest constituency, I am going to vote for every dollar of money that is necessary to carry out the eighteenth amendment and the enabling act passed thereunder.

We can not afford to pussyfoot around and endeavor to fool somebody. We have just had a great campaign in this country, where all the Republicans enticed and seduced a great many good, honest Democrats to go and vote for a Republican for President on the ground that he is a prohibitionist and is going to enforce the prohibition law. [Applause.]

That distinguished gentleman has declared that prohibition is a noble experiment. Then, put this $24,000,000 in his hands and let him carry this experiment on to a successful conclusion. [Applause.]

Mr. MICHENER. Mr. Speaker, I give three minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker and gentlemen, day before yesterday, when this matter first came up in the House, I received from my State the following telegram:

> The Christian Civic League, representing the churches of Maine, asks your support for bill for larger prohibition-enforcement appropriation.
>
> FREDERICK W. SMITH.

I replied as follows:

> MY DEAR SIR: I duly received your telegram of yesterday and note the churches of Maine, through the Christian Civic League, urge me to vote for the Harris amendment to the appropriation bill for greater prohibition enforcement, etc.
>
> I fear the churches of my State do not fully understand the legislative situation relative to this amendment. To vote for an appropriation of millions of dollars of the people's money for any purpose against the recommendation of the Bureau of the Budget, the Treasury Department, and the President is, to my mind, wholly unsound and not in accordance with the idea creating the Bureau of the Budget. Beneath this there is also a lot of politics, and I do not propose in the few days before I am to retire from Congress to play into the hands of friends of the liquor traffic under such a guise. I regret I can not support your request.

Forty years in town, county, State, State legislature, and Congress I have given my support to prohibition—to the eighteenth amendment and to the laws passed for its enforcement. I have stood for national prohibition and its enforcement against the unlawful liquor traffic, and I have during all these years had just one rule—find out where the unlawful liquor traffic stands and then vote and work for the opposite. [Applause.]

The present $24,000,000 item is put on by a combination of wets and drys, the wets united and the drys divided.

We have a strange situation in this House in the discussion of this rule. The time has come when "the lion and the lamb shall lie down together." The wet roaring lion, the gentleman from New York [Mr. LAGUARDIA], is lying down with the dry, innocent lamb, Doctor McBride, of the Anti-Saloon League. My observation has been that when at the close of a perfect day the lion and the lamb lie down together, in the morning the lamb turns up missing. [Laughter and applause.]

The day that Pilate and Herod became friends Christ was crucified. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Speaker, I am in somewhat of a peculiar position. I am ranked here as a "wringing wet," so to speak, and listening to the gentleman from Maine, who just preceded me, he wants to know how the wets are going to vote, and then he knows that he ought to vote on the other side.

I have prepared a statement which I want to read into the RECORD. I am going to vote against the amendment, but I am not doing it for the same reason as are the wets and drys. I am voting against the amendment because my stand from the beginning in this House has been that I want to dispose of the criminals in the Prohibition Department. I am opposed to the Federal Government protecting the criminal agents against the wishes of the State. [Applause.]

The question of permitting the Prohibition Department to have an additional $24,000,000, about one-twelfth of the amount claimed by the administrator necessary to enforce the law, has somewhat divided the wets and the drys of this House. Some of the drys contend that the money is not sufficient and against the advice of the Secretary of the Treasury, who claims that it is not necessary at this time. Some of the wets are supporting it because they feel that the Government should make an honest effort to enforce the law. However, Mr. Speaker, I do not intend to vote against this amendment because of the statement of the Secretary of the Treasury, nor am I voting against it because I do not want to see an honest effort made to enforce the law, but I intend to vote against this measure because the

Federal Government and the Members of this House have positively refused to get rid of the criminals in the Prohibition Department, and for the further reason that when a prohibition agent is indicted by a local grand jury, whether it is for a misdemeanor or a felony, they not only refuse to suspend that agent pending the trial but they place no faith in the State judiciary by permitting the agent to be tried before the State tribunal, but invariably the district attorney files a petition to have the case transferred to the Federal court and there lets it die without a trial. When the Government makes an effort to dispose of the criminals and suspends agents who have been indicted for alleged crimes, I will then vote to permit the Government a fair trial in enforcing this law, but that I know the Government can not do because the sentiment is against them, and you can not enforce any law that the people themselves do not sanction.

Mr. BANKHEAD. Mr. Speaker, I yield eight minutes to the gentleman from Colorado [Mr. WHITE].

Mr. WHITE of Colorado. Mr. Speaker, the attitude of some of the gentlemen who are in favor of this rule, and who are opposed to the proposed $24,000,000 appropriation, makes it somewhat difficult for me to vote as I am going to vote, notwithstanding their attitude.

The gentleman from Michigan [Mr. CRAMTON] taunts the Democratic Party with the jokes of the greatest humorist of America, and says that my party ought to follow the humorist's suggestion and take a million and one-half dollars from this proposed appropriation and pay the deficit in its campaign expenditures.

I reply and inform the gentleman that the Democratic Party will never follow the practices of the Republican Party, to which he belongs, and pay its deficiencies as his party has done. [Applause.]

The Democratic Party has never been, and I am quite sure will never be, in a position or have the disposition to follow the course of the gentleman's party in that behalf. The Democratic Party has no Teapot Dome, no Fall, no Daugherty, no Sinclair, no Will Hays. [Applause.]

The gentleman is also far off the course when he claims that the recent election was a test between the "drys" and the "wets." If that were true, how does he explain the great vote by which the proposed prohibition laws submitted to the voters of Montana at the recent election was defeated and the majority given Mr. Hoover in the same State at the same election?

But I am almost amused by these earnest souls that never see any good in any party except their own or that with which they are associated. An example was furnished in the late election by the action of those who were choked and nauseated by the local stench that came from the corruption of Tammany a half a century ago, and then turned with open mouths and extended nostrils and drank in and seemingly enjoyed the awful national stench emanating from the cesspool of corruption made by members of the Republican Party in high office.

The gentleman from Michigan [Mr. CRAMTON] and the gentleman from Minnesota [Mr. NEWTON] stand on the floor of this House, with others, and boast of their dryness and of their loyalty to the prohibition cause, and charge that Members on this side of the House who oppose the appropriation are actuated in that behalf by their desire to rehabilitate the Democratic Party, and otherwise impugn their good faith; and the gentleman from Maine [Mr. HERSEY] charges that the wets and the drys stand united in favor of this proposed appropriation, and are doing so because of the desire of the former to discredit prohibition and of the latter to handicap the President elect. Such attacks and attitude are almost sufficient to cause any Democrat or a so-called wet to subordinate his own judgment as to the merits of the matter in question and vote in favor of the appropriation. However, I shall not do so. On the contrary, I shall perform my duty as I think becomes a Congressman. I am classed as a wet, and my best judgment is that this appropriation should not be made, and I am going to vote against it. [Applause.]

I am going to vote against it not for the reasons assigned by the gentlemen from Minnesota and Michigan and some others that oppose the appropriation. I shall vote against the item because, in my judgment, the prohibition law can not be enforced, and I do not propose to assist in making a useless expenditure of the taxpayers' money.

I am not actuated in this behalf by the promises of the gentleman from Michigan that the incoming administration will be any more efficient in the enforcement of the prohibition law than the present administration.

In fact, I am reminded by the assurances of the gentleman of the many past promises of his party. It promised time after time, for eight long years, while in full control of every department of the Government, that it would provide farm relief, in answer to the continuous demand for the same; and upon such unfulfilled promises won every intervening election. This was inevitable for the simple reason that the farmers and the northern elements of the Anti-Saloon League are always Republicans before they are economists or prohibitionists.

Mr. SCHAFER. Will the gentleman yield?

Mr. WHITE of Colorado. I regret to decline, but I have only a few minutes.

Now, what is the situation here? We have a rule which the majority are seeking to force through this House, and what do they say? Why, the gentleman from Michigan [Mr. CRAMTON] claims and asserts, in substance, that the country is standing on the eve of a dry administration, lead by Mr. Hoover, President elect, and that the wet and dry Democrats are seeking to handicap Mr. Hoover in that behalf and discredit his administration.

Does the gentleman mean to cast reflection upon the good faith of the present Republican administration? Does he imply or charge or claim that the present administration, with its many enforcement agents and its thousands of officeholders, has been and is hypocritical and not honestly in favor of the enforcement of the prohibition laws?

His party has been in power continuously since March 4, 1921, and I am informed, through personal investigation and otherwise, that substantially every prohibition enforcement agent and director has been appointed at the behest of the Anti-Saloon League or some of its associated organizations.

Is it not obvious that if prohibition is enforceable the Republican Party has not been honest in its pretentions and promises, or the country would now be dry? That party has followed the leadership and submitted to the domination of the Anti-Saloon League for many years past. It has permitted that organization to select agents of its own choosing to enforce this law, and along with that organization it now admits egregious failure of the whole thing and comes before this House to-day with new promises.

But what else do they do? They came to this Congress and asked that the prohibition-enforcement agents be placed under civil service and urged that if this were done prohibition could be successfully enforced. The Congress complied with the request, and then what happened? Immediately there came a great protest from the Anti-Saloon League and its associated organizations that the prohibition agents who had failed to pass the civil-service examination be not discharged, but continued in the service. Moreover, when the Civil Service Commission adhered to its findings the President of the United States, by Executive order, complied with the demands of the Anti-Saloon League and reinstated most all of those that had failed to pass the examination.

I can not characterize this action of the Anti-Saloon League other than a camouflage. In my judgment, there may be one way in which prohibition might be enforced, and that is to kill everyone who violates that law. And in that case, Mr. Speaker, I apprehend that on both sides of the dividing aisle of this Chamber there would be an awful lonesomeness.

However, even Mr. Hoover is not certain in regard to what can or may be done in the enforcement of this law. He has never said that he approves the prohibition law. He has declared that he is in favor of the enforcement of the eighteenth amendment, and every other right-thinking person is in favor of doing the same thing as long as it is a part of the Constitution. He has never even said that prohibition is a noble experiment. On the contrary, he simply said that "prohibition is an experiment, noble in purpose," and that a correct solution of its enforcement could only be ascertained after a thorough investigation and survey of the whole subject. Our Republican friends, both wet and dry, seized upon this statement and played it up 100 per cent during the late campaign.

They manifested, however, quite a different attitude when, on the 21st of last May, I introduced in this House a resolution to appoint a committee to make a broad and thorough investigation and survey of the entire subject of prohibition and its enforcement, or the modification thereof. But these gentlemen that are now so ardent in their desire to "let Mr. Hoover do it" remained silent and my resolution got no further than the Committee on Rules.

However, my own view is that a survey, by whomsoever made or initiated, will avail little, if anything, for the simple reason that it is based on a misconception of human nature. You cannot enforce any criminal law successfully unless the crime facts, the things which constitute the crime, embody in themselves an element of evil to such an extent that it automatically shocks the conscience of most people. [Applause.]

There is no such element of evil in the facts of crimes created by the Volstead Act. In such crimes as murder, robbery, burglary, arson, rape, theft, embezzlement, and like crimes,

there is an element of inherent evil in the crime facts that shocks the conscience of most everyone, and renders the laws creating such crimes enforceable. The result is that most all people respect those laws in which there is an inherent evil in the crime facts, and exert themselves to see that such laws are obeyed and enforced. But this is not so with the crimes under the Volstead Act.

Should you see a burglar attempting to enter your neighbor's house you would, however indisposed or sleepy, immediately give the alarm. But should you happen to glance in your neighbor's home and see him preparing a highball, or other intoxicating drink, what you would do is perhaps conjectural, but it is safe to assert that you would not exert yourself in preventing its preparation.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Speaker, answering my friend, the major, I would rather dance with the bootlegger than be the cream in Bishop Cannon's coffee. Moreover, if I do dance, I do not intend to dance the Virginia reel. I want to congratulate my friends Mr. CRAMTON and Mr. COOPER of Ohio on the recovery of their God-given conscience from the Anti-Saloon League. It was worth $24,000,000 of the Government's money to hear the speeches of those two gentlemen here to-day.

Washington is confronted by the unholy spectacle of the racketeers of reform trying to browbeat the Congress into dissipating $24,000,000 of the public funds on prohibition.

Over the heads of legislators they are holding the threat of church opposition in the primaries. They want to separate not church and state, but they want to separate millions from the State for propagation of prohibition bigotry.

Such is their impatience that they can not wait until March 4 to claim their share of the loot of victory. They tasted blood on last election day and they must now poke their snouts into the Treasury. The whirlwind of the Lord is under way and going into high.

The ghostly commander of the fanatics, Bishop Cannon, has been flitting in and out of the District giving his commands. He has been of low visibility.

What they lost in brains when Wheeler died they gained in impertinence under McBride. He has issued written orders to Congress under penalty of political death warrant in case they are not obeyed and without benefit of clergy.

Congress should not only refuse the appropriation but should pass legislation to exterminate the plague of prohibition pests. It should not be called an appropriation, but an embezzlement featured by political hi-jacking.

The Government has been challenged by the church—the prohibition creed opposes itself to the rest of the Constitution and orderly government. The uncanny shadow of Bishop Cannon, with its sinister implication of a church-controlled Government, is across the Capitol. I trust that the shadow will be forever removed and that clear thinking will take the place of moral epilepsy in America.

I believe that Secretary Mellon owes it to the country to state whether or not prohibition can be enforced. All the money in the Treasury is not more powerful than the will and appetite of the American people.

Congress will lose more power by passing this discretionary appropriation. The legislative branch of Government is fading. The best proof of that is found in the scandals of the executive and judicial branches. We are becoming powerless and pure.

Ex-Sheriff Foley, of New York, once said that there were two classes of men—A, the fellow who digs a hole for his neighbor to fall in, and B, the samaritan, who pulls his neighbor out of the hole. To-day we must add a third and more altruistic class—the Democratic intelligentsia, who dig a hole for Andy Mellon to fall in and then fall in it themselves so that he may climb over their dead bodies to greater heights. Now when Cabinet appointments are problematical our Democratic leadership have responded nobly to the cartoonist's philosophy—"When a feller needs a friend."

I am glad that Republicans have taken a run-out powder on the fanatics. I congratulate the G. O. P. elephant on not being terrified by the mice of prohibition.

Mr. BANKHEAD. Mr. Speaker, I yield now to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I am in favor of the Harris amendment and will vote for it if I have an opportunity.

The incoming President, Mr. Hoover, said during the recent campaign that if he was elected that he would undertake to enforce the prohibition law. All agree that it has not been enforced, the chief excuse given was the want of sufficient money for this purpose. I am in favor of placing this large amount in the hands of the President, with the power and discretion to use it in such way as he thinks will accomplish the most good, so that it can not be claimed hereafter nonenforcement of this law is due to the want of sufficient funds. Let us do our duty, furnish the necessary money and put the responsibility for enforcement where it properly belongs. I will vote against the motion for the previous question, so that we can have a direct vote on the Harris amendment. The motion for the previous question is intended to deprive us of that right and privilege. I will also vote against the pending rule. We need no request from the Bureau of the Budget for this increase of appropriation for prohibition enforcement. If it should be more than is needed the President would not be required to spend it.

Mr. BANKHEAD. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, some years ago I was stopping in Saratoga Springs, N. Y., a place well known to thousands of people of this country. Mrs. Linthicum and I attended the Episcopal Church one Sunday evening in that city. The pastor, the Rev. Joseph Cary, announced that after the services he would conduct another service for the colored people, so that the waiters and maids of the hotels and the colored residents of the city might attend. I noticed during the services a man in the seat in front of me, who had gone to sleep, apparently very soundly asleep. He did not hear what was going on. After the white service was over we concluded we would remain for the colored service, especially so because I have always enjoyed the musical singing of the colored people in my southern Maryland home. The man in front was still sound asleep when the white congregation passed out and the colored congregation came in. They were seated in the same pew with this man, in front of him, all about him. The church was crowded with colored people, and when the man awoke he looked at those beside him, those in front of him, to the right and to the left, and quietly taking up his hat sneaked out of the church, a most astonished man, who had gone to sleep among the white folks and had awakened among the colored folks. [Applause.]

When I think of my position, having all these drys on the Republican side, including that stalwart leader, Mr. CRAMTON, the gentleman from Michigan; that hero of prohibition from Michigan, Mr. HUDSON; the staunch prohibitionist from Ohio, Mr. COOPER; and all their friends who have heretofore advocated everything in favor of prohibition, when I see them voting with me and with my friends of the "antiprohibition committee," I am not less astonished than was the man in Doctor Cary's church.

This amendment introduced by Senator HARRIS to the first deficiency bill and adopted by the Senate, proposes to give to the President the vast sum of $24,000,000—to be distributed by him for the enforcement of the eighteenth amendment and the Volstead Act. In the first place, this is a great sum to give to any one official to be disposed of in this manner. If I believed that this sum could be used to advantage, I should not object to it, because it would merely demonstrate that prohibition can not be enforced. I know so long as a grain of wheat or a grain of corn properly treated will, according to the laws of nature, produce alcohol, that prohibition can not be enforced. Not alone have we humanity to contend with, but we have the laws of nature and the frailty of mankind.

We learn from the Prohibition Unit that 75 per cent of their employees who took the civil-service examination were unable to pass the efficiency test; and now to-day, much to my surprise, the gentleman from Michigan [Mr. CRAMTON] tells us that not over 6 per cent of the men in the Prohibition Unit are under civil service. That graft, bribery, and corruption exist in the prohibition enforcement personnel is a matter of official declaration. It was Assistant Secretary of the Treasury Lowman, who is quoted as saying:

> There are many incompetent and crooked men in the service; bribery is rampant; there are many men in sheep's clothing; some days my arm gets tired signing orders dismissing crooks and incompetents.

The Prohibition Unit has even gone so far as to poison alcohol to prevent its use as a beverage, and yet arrests for drunkenness increase, the whole country is permeated with liquor, and conditions are far worse than they were under the old system. I should like to vote for $24,000,000, a part to be used for the establishment of a system similar to that in the Province of Quebec, Dominion of Canada. I should like to see light wines and beer permitted, not to be drunk on the premises. I think it is generally conceded that none of us want the old saloon back.

If you will adopt the system I suggest, I verily believe that drinking of intoxicants will become largely a thing of the past. I should like to see a part of the money used in the education

of the youth of the land, and of the adults as well, showing to them the effects of alcohol and the effects of drinking generally. Education had almost eradicated it before the eighteenth amendment was adopted.

I have not to my knowledge ever voted against an appropriation asked for the enforcement of the eighteenth amendment, a part of our Constitution, the prohibition act, even though I knew it was money wasted; but I can not vote for $24,000,000 which is not asked for by the Treasury Department, nor recommended by the President, and which I know if used will merely place more snoopers, snipers, and smellers in the prohibition-enforcement service to the detriment of the comfort and happiness of the people and a waste of the taxpayers' money. Some feel that Uncle Sam is very rich, that his resources can not be impaired, but let me ask you to keep in mind always the fact that the Treasury of the United States has only in its coffers money taken from the people as taxation, that every dollar wasted by such useless appropriations simply means more for the taxpayers to contribute.

Let me further remind you that everybody in this Nation is a taxpayer, either through the high protective tariff which the Republican Party has placed upon us, through the income tax, or through some indirect manner in which everybody must contribute to the support of the Government. It would mean simply $24,000,000 poured down a rat hole which can not be filled. [Applause.]

When we realize the vast sums already being expended for enforcement it is astounding. Observe these expenditures for 1926–27 which are still mounting, and ask yourself should not more have been achieved, to wit:

1926–27 appropriation for Coast Guard, $24,213,140, of which amount there was included for prohibition	$14,560,011
Treasury Department for enforcement of prohibition	10,635,685
Department of Justice, according to Mr. Harris, one-third of the total appropriation used for prohibition	8,000,000
Total	33,195,696
Investment for prohibition enforcement:	
1925–26 appropriation for new vessels and repairs for Coast Guard	19,194,900
1926–27 additional for repairs and ships	3,900,000
Taken over from the Navy 25 torpedo boats, which cost the Government $1,500,000 each	37,500,000
Total	53,594,900

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, I am opposed to the House granting this additional $24,000,000 appropriation for prohibition enforcement. The Senate should have been satisfied with the large sum for prohibition already passed by the House and included in this deficiency bill when it was sent to the Senate some weeks ago. The Treasury Department is opposed to this $24,000,000 appropriation and until they were whipped into line by methods peculiar to the Anti-Saloon League some of the leading Anti-Saloon League officials were opposed to the $24,000,000.

A few days ago, and to-day also, the gentleman from New York [Mr. LAGUARDIA], who not only admits, but proudly declares from time to time that he is opposed to the eighteenth amendment, graciously advised the House that he is in favor of giving the prohibitionists this $24,000,000, and also offers gratuitous and detailed advice that much of it could be spent to good advantage in Detroit. If the case for this reckless expenditure of $24,000,000 of the people's money depends upon the Detroit situation, then the taxpayers can be saved this amount or it can be spent for purposes which are more fitting for the general welfare.

PROHIBITION AGENTS UNDESIRABLE

No fair or reasonable man, after a careful study of prohibition enforcement in Detroit by Federal agents would say that it has been a success, or that it has promoted the general welfare. He would also be compelled to admit that the more prohibition agents sent to Detroit the worse conditions became.

The peculiar iniquity of this amendment is its chief aim to produce additional hordes of prohibition agents. The Treasury Department through Secretary Mellon issued an official statement to that effect yesterday.

Six days ago in Detroit the trial opened in the Federal court of 23 prohibition agents charged with graft, corruption, and extortion, running into millions of dollars. Only within the very recent past the superintendent in charge of the Detroit River prohibition agents summarily quit his job and left for the East. For reasons best known to themselves and which are as yet a mystery to Detroit, 12 of his agents quit with him.

THE BLACK SHEEP OF THE AGENTS

For many months before the trap was sprung on the Detroit prohibition agents it was an open and notorious fact in the Detroit district that informed persons were freely declaring that there was only one honest, zealous prohibition agent in the Detroit border force.

At that time and before wholesale arrests and resignations threw slaughter into their ranks, there were scores of prohibition agents in the Detroit district.

After United States Secret Service men were imported into Detroit from Washington and wholesale arrests of prohibition agents followed, widespread publicity was given to the testimony that out of all the army of prohibition-enforcement agents in the Detroit district there was "only one honest, zealous man" and that he had been forced by hostility of prohibition agents and of beer and liquor-running agencies to quit the Federal prohibition squad and take refuge in the Detroit police force, walking a beat.

PROHIBITION KILLS TEMPERANCE

Before the Anti-Saloon League got busy and put over the eighteenth amendment in 1918, Detroit was rapidly becoming a temperance city. We had about 1,907 saloons in 1918. They were well regulated; none of them were open after 10 o'clock in the evening and none of them were within 400 feet of a church, school, or first-class residence section. Now, the intemperance of the eighteenth amendment has produced over 20,000 saloons; they are not regulated at all, most of them stay open until 2 o'clock in the morning, and some stay open all night. They are sometimes found in close proximity to churches and schools, and they spring up in the finest of our residential sections.

That the growth of intemperance and lawlessness and unregulated saloons under the eighteenth amendment is not peculiar to Detroit, but extends to practically all cities in the United States, is a fact quite easily proved. Prohibition Commissioner James M. Doran admitted just the other day that there are "only about 3,000 bootleggers in Washington now." This is right under the nose of Doctor Doran and his Prohibition Bureau and of a House and Senate preponderantly dry. Just before the Volstead Act went into effect there were 300 saloons in Washington, well regulated and disciplined and limited by law to 300 in number. Now we have 3,000 two-legged traveling saloons in the persons of the ever-present enterprising bootleggers.

MESSRS. HOLSAPLE AND KRESGE

Some of the leading lights of the Anti-Saloon League live in Detroit. One of our respected citizens is now president of the Anti-Saloon League of the United States. We have also as State superintendent of the Michigan Anti-Saloon League former Rev. R. N. Holsaple, who is recognized as one of the most extreme prohibition fanatics in the world. It is Mr. Holsaple who has been so lustily "crowing" about the great victory of the prohibitionists in sending to prison for a life term at hard labor the poverty-stricken mother of 10 children only because she violated the eighteenth amendment. What the average good Michigander considers to be Michigan's shame, Mr. Holsaple considers Michigan's crowning glory! Yet, when Mr. Holsaple's own brother-in-law was sent to jail for bootlegging, Mr. Holsaple was accused of using his great influence as head of the Michigan Anti-Saloon League and bringing pressure to bear on the State pardon and parole commissioner to secure leniency for the brother-in-law.

Detroit harbors the "angel" of the Anti-Saloon League, America's driest, most persistent lover, Sebastian S. Kresge, who is still going strong at 60, and who devotes all his spare time when he is not engaged in amours and dalliances, illicit and otherwise, in crying out that the people of Detroit, the people of America and of Europe, and other parts of the world must not be allowed to drink beer, light wines, and other beverages of which he does not approve.

For instance, Mr. Kresge thinks that 50,000,000 Frenchmen must be wrong in drinking light wines. He is certain that over 70,000,000 Germans lose their value as workers and as scientists in sticking to their beer all these ages, and that 45,000,000 of Englishmen are rapidly degenerating through their devotion to ale and porter.

It was Mr. Kresge who was wildly applauded recently at a prohibition gathering when he said he would give $500,000 to the Anti-Saloon League. Mr. Upshaw, a distinguished former Member of this House, did the proper thing by enthusiastically applauding my fellow townsman, Mr. Kresge, and pointing his finger at him demanded that the audience sing "Praise God from Whom all Blessings Flow."

What has been done with Mr. Kresge's $500,000 gift to the Anti-Saloon League? The league has been forced finally to file statements under the law as to its receipts and expenditures and in the 1928 report recently filed with the Clerk of the House, William Tyler Page, the Anti-Saloon League stated it received $86,404.82 and expended $83,863.11. Stanley S. Kresge is listed among the contributors in this statement as giving $10,000 on September 10, 1928, and Stanley is the son of Sebastian S. Kresge, the "angel." Anna S. Kresge, of Michigan, gave $100 on September 10, 1928.

But where and how does the Anti-Saloon League account for the receipt of the $500,000 donation, and what is just as important, how did the league spend this money? I have a personal interest in asking because the Anti-Saloon League has always actively tried to defeat me in primaries and in elections for Congress. I would like to know whether I have had the honor of having a portion of this $500,000 spent against me.

AGENTS BREED CRIME

It is superfluous for the gentleman from New York [Mr. LAGUARDIA] to point the finger of suspicion at Detroit and to hustle the Federal prohibition force to that city. Mr. Kresge and other distinguished drys of our State have already performed that service for Detroit and for the country. Prohibition agents have been sent in droves to Detroit.

The more prohibition agents they sent to Detroit, the worse conditions grew. To Detroiters many prohibition agents have been teachers of all sorts of crimes; among these are highjacking, racketeering, grafting, bribery, corruption, slaying of innocent citizens by gunmen methods, drunken driving of automobiles, illegal seizure of motor boats and other water craft, invasion of the neutrality of Canada by wilfully sending armed patrols into Canadian waters for which official apologies were made to Canada, and various other offenses.

It was proved in the recent Philadelphia scandals which are a stench in the nostrils of decent Americans that Gen. Smedley Butler's prohibition squad of selected agents were generally teachers—yes, professors—of crime who corrupted the rest of the police department and practically everyone to whom their influence extended. That has been true in Detroit. This experience in Philadelphia with prohibition agents and raiding squads has been proved over and over again in Detroit.

THE DRYS' REIGN OF TERROR

Probably through the influence of Michigan drys, whose names are a household word in the Nation, about three years ago Detroit was selected for a punitive exhibition by dry terrorists which was to prove an example and a warning to other communities in the United States. Col. A. J. Hanlon, a hard-boiled Army officer, who was to do "whatever should be necessary," was in charge. Another of the officials was Maj. Maurice Campbell, known now as the Broadway night-club raider. They opened the "reign of terror" by instructing their men to "get rough"; to discard the heavy revolvers in use, which were contemptuously called "pea shooters" by Colonel Hanlon, and get extra large revolvers, sawed-off shotguns, and rifles.

The campaign of terrorism was promptly inaugurated by the murder of an old letter carrier, named Neidermeier, who was entirely innocent of any wrongdoing and who had been hunting ducks with a companion on the Detroit River, and was returning in a skiff through a small creek without a drop of liquor in his boat. Two roughly dressed prohibition agents without uniforms hailed him from the bank of the creek as he passed close to it, and when he did not stop, either because he did not hear the hail through noise made by his outboard motor or because he was suspicious of the men on the bank being bandits, they opened fire on him at a distance of but a few yards with a large revolver and high-powered rifle, and while his back was turned, shot him through the back. He lingered in terrible agony for several days and then died. This was not the only act of violence by prohibition agents. There were many more.

I saw Colonel Hanlon and Major Campbell the next morning to get the details of the shooting, and was astounded to find that, while they knew the agents had mortally wounded an honest and harmless old man, a public official in the Federal service with great honor and credit for many years, they expressed no regret nor sympathy, but told me belligerently that more people were going to be killed in Detroit, whether innocent or violating the prohibition law, if they did not halt when yelled at by prohibition agents, even though roughly dressed and without uniforms. Colonel Hanlon said that a state of war existed between Detroit and the prohibition squad and that he was prepared to recognize it as such. Yet no prohibition agent was ever injured in Detroit except by due process of law. I called his attention to the fact that President Coolidge had said in his message to Congress about a month or so before that, happily the United States is at peace, but Colonel Hanlon replied that that did not matter to him.

I called attention to the numerous holdups and prevalence of stick-up men in Detroit largely due to the eighteenth amendment, and that innocent Detroit citizens were justified in running or trying to get away if roughly dressed men without uniforms ordered them to "throw up their hands." This made no impression on the colonel nor the major.

I then told these two that undoubtedly they were guilty as accessories before the fact, in inciting their agents to the murder of the old letter carrier, and that they were accessories after the fact in justifying the murder and in trying to save the two prohibition agents from due process of law.

GUILTY AS ACCESSORIES

I informed Hanlon and Campbell that if another murder of an innocent Detroit man, woman, or child took place that I would take steps to have them arrested as accessories to murder. I also declared that I was sure that our local institutions of self-government and our courts of justice would bring the slayer of old man Neidermeier to trial and to justice.

Although the Anti-Saloon League and the prohibition agents strained every nerve to save Benway, the slayer of Neidermeier, from justice, he was convicted and is now serving his six months in prison.

The prohibition squad sent a special attorney from the Department of Justice to Detroit to aid the local district attorney's office. Seven women were placed on the jury, and the need of rigorously enforcing the eighteenth amendment was argued to the jury; yet Benway was convicted of felonious assault with intent to kill. The penalty was six months to three years, and the judge gave him six months. He appealed to superior Federal courts, but is now serving his time.

I am happy to report that as the result of the cruel and unjustified murder of the old letter carrier by prohibition agents Colonel Hanlon was compelled to withdraw his orders to the prohibition agents to be "rough" and to "shoot quick and to shoot to kill." Instead he was forced by public sentiment to order his men to be extremely careful with their firearms and to shoot only in self-defense and when their own lives were in danger. Not only that, but the immigration officials on the Detroit border were also doing some high, wide, and handsome shooting.

I protested their lawlessness and they were given even more strict orders than the prohibition agents. The outburst of public indignation in Detroit compelled the transfer of Colonel Hanlon to the New Jersey district. Maj. Maurice Campbell was transferred to the New York district. Thus was Detroit given a brief breathing spell from the "reign of terror" through the sacrifice of the old letter carrier's life and other outrages.

GRAFT AND CORRUPTION

However, it was not long before an orgy of graft, corruption, and drunk-driving of automobiles was instituted by Federal prohibition agents foisted upon Detroit. As one indication of the general condition, I may inform the House that a year ago this past Christmas drunken prohibition agents in Detroit injured or wrecked 13 automobiles which they were driving or which they hit during their holiday drinking carnival.

Their graft and corruption on a large scale have occupied a prominent place in Detroit papers for the past several months, and the trial of these 23 prohibition agents who are now in the toils will give Detroiters and, in fact, all Americans further insight into the method of prohibition agents.

If Mr. LAGUARDIA and the sponsors of this wasteful and thoroughly unjustifiable expenditure of $24,000,000 have their way and send more prohibition agents into Detroit, they will further prove and demonstrate the axiom of the past few years: "The more prohibition agents in Detroit the more crime and menace to good government and the ideals of the Republic."

Figures which I have obtained from the Prohibition Bureau show that from January 16, 1920, to November 1, 1928, 177 persons connected with the Prohibition Bureau, excepting narcotic employees, were charged and convicted with drunkenness and disorderly conduct and other nonindictable offenses. The number separated for cause from January 16, 1920, to October 1, 1928, totals 1,291. This does not include the great number of agents in the Detroit district who were recently arrested and are now awaiting trial nor the considerable number who recently quit the service when their associates were arrested. Nor does it include the great number of crooks and near crooks who are still embedded in the prohibition service without charges pending against them. [Applause.]

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker and gentlemen of the House, I do not propose to discuss the merits or demerits of the pending

resolution. I had expected to introduce an amendment, if the deficiency bill had come before the House for the purpose of amendments, by adding the words, after "prohibition enforcement," "narcotic enforcement." I believe the House will agree with me very largely that it would be perfectly proper to permit the use of part of the $24,000,000 provided to enforce the prohibition law for the enforcement of the narcotic laws. I do not know how many Members of the House have studied the narcotic situation in America at the present time; but due to the recent murder of Arnold Rothstein, the New York gambler, and his alleged connection with the international drug ring, public sentiment has been aroused and caused a demand to be made upon Congress for increased appropriations to facilitate securing evidence against the big dope rings. From the disclosures made at that time it was proved that in excess of $25,000,000 of illegal narcotics were smuggled within the last year into the port of New York and that the so-called crime wave in Chicago and New York and throughout this country can be directly traced back to the use of these smuggled drugs. One-third of the Federal prisoners are known to be addicts. Fifty per cent of all our crimes can be traced to the use of dope. Colonel Nutt, head of the narcotic bureau, told me that if he had an opportunity to use any substantial amount of Government money to buy information, he could pretty nearly put an end to the smuggling of these drugs. For instance, he said if he had $20,000 to give for information that he could stop 2 tons of morphine from coming into the United States of America, and that no money was to be paid out until the seizure was made. I think the Congress of the United States has a very distinct duty to provide sufficient funds to rigidly enforce the narcotic laws. The Congress provided for no additional appropriation this year in spite of the fact that the smuggling of drugs has become a national scandal. An alarming traffic in illicit drugs exists in the United States to-day and is eating into the lifeblood of the people and even seeping into the public schools. Only recently a trunk containing $2,000,000 worth of drugs was seized by Government officials. Think of the misery and deadly poison contained in that trunk alone! The Congress is not economizing when it stints on appropriations to enforce the narcotic laws. The total appropriation is only $1,411,260, about half of which is returned to the United States Treasury from registration fees and fines. It is the distinct duty of Congress to try to protect the American people from the greed of these smugglers who are to-day bringing all forms of narcotics into the ports of New York, San Francisco, New Orleans, and Florida; and unless Congress appropriates additional funds to enable agents to make large purchases of narcotics and thereby apprehend the big dealers and the higher-ups in the dope rings, why the situation will remain hopeless and their hands will be tied.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Speaker, after to-day's vote the good ministers of my State will understand why the 17 Democratic Congressmen and the 2 Democratic Senators from Texas could not vote for the Hoover-Mellon combination. We knew that it does not stand for prohibition.

We know something about the situation here that our good minister friends in Texas do not know. We know about the Green-Mellon bill, the gigantic liquor combine bill which our former Chairman Green, of the Committee on Ways and Means, introduced here last session, and which was prepared by Secretary Mellon, to create the greatest liquor combine ever dreamed of, and which authorized such a tremendous liquor combine that the Committee on Ways and Means turned it down.

And then we know about the Hawley liquor combine bill which Mr. Mellon immediately drew up and sent for Mr. HAWLEY to introduce as a substitute, which likewise would have created the greatest liquor monopoly ever known to the country, and over the strenuous protest made by myself and other prohibitionists this House passed it, but before it could get through the Senate, thank God, the people spoke through Bishop Cannon and others, and when Bishop Cannon speaks the people act upon his advice, and justly, and it died in the Senate.

I am not criticizing the preachers of my State, because from their standpoint they justly rebuked us, as they really thought Hoover would enforce and that Smith would not, because in rebuking us they rebuked the liquor traffic in my State and in the Nation; but they will find out to-day when this vote is over that they were mistaken on the proposition. They will find out that they can not expect any liquor enforcement from Mr. Hoover as long as Mr. Mellon has strings on the administration, and they will find that they can not expect it from the Republican administration in Congress.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I am sorry I can not.

My friend from Maine [Mr. HERSEY], who has been a strong prohibitionist, and whose dry stand on many occasions I have admired, said he always found out where the liquor crowd was and it was a safe policy to vote against that crowd. He is here to-day following the rider of the great white charger from Baltimore, sitting in his place here, to add encouragement to his crowd and take them down the line. Call the roll and you will find every one of the real fundamental wets of the House lined up with the gentleman from Maine, and with the gentleman from Michigan [Mr. CRAMTON], and with the other gentleman from Michigan [Mr. HUDSON], and with that great stalwart prohibitionist from Ohio, my good friend JOHN G. COOPER, and other Republican drys backing Mellon. Unfortunately they are obeying orders from the Treasury Department; they are obeying orders from the White House; they are obeying orders from the great influence that controls their party.

Oh, they say that I obeyed orders, possibly, in the last campaign. I say no. [Laughter.] Having no better alternative, through party loyalty to Democracy I supported a ticket that was repulsive to me. I supported a ticket and made speeches which embarrassed me, every one of them, when I made them. [Laughter.] But I want to say this: I told my people in every audience in Texas that I addressed that it was a choice between two evils; it was a choice for the American people to make, from which of the candidates could they expect the most of prohibition enforcement, and I knew they could not expect anything from Hoover and his Republican organization. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. ROBSION].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for three minutes.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies, and gentlemen of the House, I might say that I have always been dry, politically and personally. [Applause.]

I come from a town that voted out the saloons 50 years ago. In this same town is Union College. The Kentucky Legislature 48 years ago passed an act making it unlawful to sell intoxicating liquors within 5 miles of this college.

I have always been an active supporter of the cause of prohibition in Congress and out of Congress. I favored the eighteenth amendment, voted for the Volstead Act, and every measure that has been before Congress since that time that would strengthen these measures. I stand foursquare for the honest and effective enforcement of our dry laws, as well as the other parts of the Constitution, but I can not support, ladies and gentlemen, this unsound and impracticable amendment. [Applause.]

What is the proposition now before us? As a general rule, this bill would be referred as a matter of course to the conferees of the House and Senate, and they would take up this matter and investigate it and report to the House and Senate. If we pass this rule that is now up for consideration, it will send this matter to conference. This amendment proposes to appropriate an additional $24,000,000. The need of this additional sum of money has not been investigated by any committee of the House or Senate.

After the conferees of the House and Senate have investigated this whole matter carefully, they will make report to the House and Senate, and then we will be better able to determine the best course to pursue. This $24,000,000 would not become available, anyhow, until July 1, 1929.

We must bear in mind, ladies and gentlemen, that this House has already appropriated millions and millions of dollars for this same purpose for the fiscal year beginning July 1, 1929. We have appropriated every dollar that has been asked for by the President, by the Director of the Budget, by the Treasury Department, and by the Department of Justice.

The President, the Director of the Budget, the Treasury Department, and the Department of Justice have not asked for this additional sum of $24,000,000, but on the contrary have declared their opposition to it. They say that Congress has provided all the money that can be used by the organization that we now have and can have by July 1 for this purpose, in a judicious and effective manner.

Since this matter was passed by the Senate, I have taken a thousand-mile trip through several States. On trains and everywhere, men and women were talking about this $24,000,000, and their expressions almost unanimously were along the lines of the editorial read to the House a few minutes ago by Mr. COOPER of Ohio to the effect that this is political bunk and that it is foolish and impracticable. [Applause.]

DEMOCRATIC POLITICS

I am against this amendment for several reasons. Many of my good friends on the Democratic side of the House coming from dry Democratic districts and dry States are in "bad" with their constituents because they helped to bring about the nomination and urged the election of Governor Smith, who is as wet as the Atlantic Ocean. I know they are in bad with their constituents, but they know it better than I do, and hence the zeal they are displaying in support of this $24,000,000 amendment. If these same politically dry Democratic friends had manifested half the zeal and used half the eloquence in their State conventions and at the Houston Convention for the dry cause that they are displaying to-day on the floor of this House, they would not have disappointed the fine Democratic men and women throughout the Nation who sincerely believe in the dry cause, by nominating Governor Smith for President of the United States. [Applause.]

When you good dry Democrats put up Governor Smith as your nominee and placed Mr. John Raskob, another wringing wet, at the head of your party, and they went about over this country denouncing the eighteenth amendment and the Volstead Act, you did more harm to the dry cause than you gentlemen could do good for it if you should talk from this floor here for two months and appropriate $50,000,000. You are now trying to pay off the deficit of $1,600,000 of your campaign by selling Governor Smith's wet speeches. It has been just a little over two months ago that the good Democrats who are now making speeches for this amendment and professing so much interest in the dry cause were themselves going everywhere urging the election of Governor Smith. I have never in my life seen such unmitigated gall and inconsistency.

Governor Smith is still the titular head of the Democratic Party, and Mr. Raskob is still your national chairman, both of them unrelenting and bitter foes of prohibition. They are now leading your party, and you gentlemen ought to first get rid of them before you undertake to lecture us dry Republicans and lead the real friends of the dry cause and law enforcement.

I followed Mr. Hoover earnestly and sincerely last summer and fall because he stands for the eighteenth amendment and for its honest and effective enforcement, and I now refuse to follow the leadership of the Governor Smiths and the Raskobs on this important question. The great dry leaders of the Republican Party in the Senate are opposed to this proposition. The recognized dry leaders of the House—CRAMTON, STALKER, HERSEY, COOPER, and others—have spoken in opposition to it and are voting against it. The Woman's Christian Temperance Union women of the country who have so earnestly and sincerely through all of the years worked for the dry cause declare in a telegram to a Member of the House that they are looking to Mr. Hoover for real law enforcement, and so does the Council of Churches and other great dry organizations; and I, too, am looking to Mr. Hoover.

He comes into office on the 4th of March, and Congress will be in session this spring and summer, and I know that Mr. Hoover will have some great constructive plan to carry out his promise of law enforcement to the American people, and he will submit this to Congress, and I do not want him to be hampered or embarrassed by this so-called plan cooked up by the Democrats for their own selfish political advantage and who were themselves trying to put a sopping wet into the office, the highest in the gift of the American people, less than three months ago.

I refuse to join with the Smiths and the Raskobs in their effort to discredit the cause of prohibition and to embarrass and hinder Mr. Hoover and at the same time to spend $24,000,000 to get a lot of Democrats out of a hole that they placed themselves in by their support of Smith and Raskob.

IT WOULD HURT PROHIBITION

If this amendment should be adopted, it would not only embarrass Mr. Hoover's administration—it would be a willful waste of the taxpayers' money and hurt the dry cause. The leaders of the dry cause came before Congress and urged that we were not succeeding in the enforcement of the law because this service was in politics and the appointments were political. They urged us to put the prohibition enforcement under civil service, and Congress did that. The real friends of prohibition insisted that every person appointed to this service should be carefully investigated as to their ability, fitness, and integrity. We wanted to get away from the scandals in the prohibition service. The Civil Service Commission has held two examinations, inviting people throughout the land to make application. Thousands did make application, and the Civil Service Commission has been investigating these applicants; but up to this time they have not secured sufficient eligibles to fill the jobs for which we have already provided appropriations.

If we should dump this $24,000,000 on to the President without a trained personnel to use it, we would again have to resort to the political appointments and without civil-service examinations and investigations. We would simply add to the scandals that have already embarrassed the real friends of the dry cause, and this money would be more or less wasted, so that when the appropriation bill for dry-law enforcement comes up next Congress the wets would come forward and urge that prohibition was a failure and point out that they had given all the money that the departments asked for and this $24,000,000 in addition and that we had added to the scandals and had accomplished little for law enforcement.

The press indicates that Mr. Hoover proposes immediately following his assumption of the presidency to have a careful survey made of this question and find out in what way we can improve this service and what measures and money are necessary for effective and honest enforcement. I, for one, feel that this is the wise course to pursue. Let us give Mr. Hoover his chance.

I am one of those who think prohibition has succeeded wonderfully. I was State campaign chairman for the Republican Party in Kentucky in 1927 and 1928, and came in contact with many, many groups of people, and during all that time I did not see a drunken person. I spent nearly two weeks in Kansas City both before and at the time of the Republican National Convention, and saw thousands of people, but did not see a drunken person. It is making real progress. I have always believed in this noble experiment, and the way to strengthen and carry it forward to success is to proceed along sane, sound, and sensible lines.

FIFTY MILLION IF NECESSARY

When Mr. Hoover assumes office and has an opportunity to investigate and formulate a broad, sane, and effective policy for law enforcement and advises Congress that he needs additional money, I stand ready to vote for whatever measures and funds may be necessary in addition to what we have already provided, even though it may be double the amount called for in this amendment; but I am unwilling to be stampeded into wasting the taxpayers' money and perhaps discredit the cause for which we have fought and in which we are deeply interested, by following the leadership of the Smiths, Raskobs, and other Democratic politicians. [Applause.]

My dry Democratic friends from the South and West might as well understand that their party is now in the hands of the wets, and these wets are determined to make the Democratic Party a wet party, and there is no good reason why we dry Republicans should be led out into the swamps and abandoned like our dry Democratic friends were at the Houston convention and in the last November election.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker, the people I have the honor to represent are in favor of modifying the Volstead Act. I find myself in rather strange company this afternoon in my opposition to this prohibition monstrosity. However, I want at this time to state that I disagree with certain portions of the statements of the distinguished gentleman from Michigan [Mr. CRAMTON] and of the distinguished gentleman from Ohio [Mr. COOPER]. How can they deduce that the election of last year was a victory of the dry forces? It was neither a victory nor a defeat for the wet or dry forces. Their argument that the election of Mr. Hoover was a victory for the dry forces is not borne out by the results of the election. Nearly all of the States that Hoover lost are well known to be the driest of the dry, wherein the Ku-Klux Klan and Anti-Saloon League are exceptionally strong. The people of the State of Wisconsin in 1926, on a straight referendum, voted by a majority of almost 200,000 in favor of modification of the Volstead Act; and in the last election they voted by a majority of almost 100,000 in favor of Herbert Hoover. Not on the prohibition question, but because he was the best qualified candidate for the job. They voted for him because of his outstanding record of achievements and his position on great public questions such as the Great Lakes waterway and the protective tariff of the Republican Party. [Applause.]

I must say that while I am disappointed at some of the arguments of the distinguished gentlemen from Michigan and Ohio, I am pleased to find them casting aside the hired men of the Anti-Saloon League who are attempting to stampede Congress into passing this $24,000,000 prohibition monstrosity. Part of the $500,000 contributed to the Anti-Saloon League by the notorious Kresge, of New York, is no doubt being used to pay the salaries of these hired men and to pay the cost of their propaganda.

In his Milwaukee speech Governor Smith said that if we wanted the eighteenth amendment and the Volstead Act modified we should return the Democratic Party to power. If the Democratic Party was returned to power we would be no nearer modification than we are to-day. In fact, it would be a step backward, because man for man, the Democratic Party is the driest party in the land to-day. [Applause.]

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, I can add nothing to the sound or substance of the debate but would make a few observations as to some of its peculiar angles; to wit, various Members from Florida, Georgia, and South Carolina advocating an appropriation of $24,000,000, which is not needed, which, if it passes, will kill any chance of an appropriation of $6,000,000 they are advocating for the rehabilitation of the devastated regions of their States, caused by the hurricane of a few months ago.

Again, I had supposed that when Will Upshaw retired from the House we would be without a vociferous leader of the prohibition forces when, behold, up steps Major LAGUARDIA, of New York, and assumes the leadership of the dry forces and defense of the eighteenth amendment.

Then my good friend, Mr. GARNER of Texas, consumes the time of the House to take another wallop at Andy Mellon. Texas showed good judgment in sending this statesman to Congress for the next two years, and I hope will repeat for many years to come. Texas also showed good judgment at the last election in going Republican and making sure that Mr. Mellon would be available and giving Mr. GARNER abundant opportunity to continue his feud and air his differences of opinion during a longer session.

Mr. HUDSPETH. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HUDSPETH. The gentleman has referred to the good judgment of Texas. How about the good judgment of his own State?

Mr. UNDERHILL. I have shed more tears over that than the gentleman can imagine. I think Texas has shown good judgment, but I will not say much about the judgment of Massachusetts.

In closing I want to call attention to the uselessness of it all. We know the eighteenth amendment is here to stay and we only delude ourselves when we try to delude the public in a belief that there is a possibility of a change. Why can we not stop all of this foolishness and attend to business which will be of some benefit to the country and the public. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I yield myself five minutes. [Applause.]

Mr. Speaker, ladies, and gentlemen of the House, I think it rather important, before we come to an actual vote upon the previous question on this resolution, that the entire membership of the House fully apprehend and understand exactly what the concrete parliamentary issue will be upon that vote.

The gentleman from Michigan [Mr. CRAMTON] stated in the beginning of his remarks that for the first time in his experience of some 12 or 14 years as a Member of this House, this extraordinary remedy of bringing in a rule to send a bill to conference has been resorted to. Well, gentlemen, if you will refer back to the controversy of only a few days ago upon the floor of this House, you will fully realize that remedy was required upon the part of the majority, not by any unusual obstruction upon the part of the minority Members of the House, but simply for the reason that the gentleman from Indiana [Mr. WOOD], in control of the appropriation bill, declined to give to the gentleman from Texas [Mr. GARNER] categorical assurance that in the event the conferees were appointed he would, beyond all question, bring back and submit to the House of Representatives for its judgment these three very important controversial amendments that the Senate placed upon the House bill. This assurance was not given and the bill then had to go to the Committee on Appropriations or the majority leadership had to resort to this remedy of securing a rule, and the latter was adopted.

Now, gentlemen, it seems to me that the issues in this case are plain. A good deal has been said in the course of this debate that in my opinion is not entirely relevant to the real issues involved here, but under the parliamentary situation the only possible way now that those of us who favor some instruction to the conferees upon these three important amendments, those of us who desire to have the Senate of the United State secure some expression from the Representatives in this body as to their attitude upon these important problems; the only possible way that we can get an opportunity, even though we should be in the minority upon the final vote, to register our opinion is to vote down the previous question when called for upon the adoption of this resolution; and this, gentlemen, would give to the gentleman from Tennessee [Mr. BYRNS], the ranking member on the Appropriations Committee, the opportunity of offering the amendments which he read to the House a few moments ago with reference to this prohibition enforcement item. It would also afford opportunity to amend this rule so as to have a vote now on these amendments.

Gentlemen, these are important questions that are involved here. There is not only the question of prohibition, but also the tremendously important question which has occupied considerable time here upon the floor of the House this session, the question of fixing some regulation for the payment of refunds and the allowance of credits upon income taxes. I am sure that the gentleman from Texas [Mr. GARNER] impressed upon the membership of this House the absolute importance, in justice to the Federal Treasury and to the taxpayers of this country, of undertaking to set up some form of regulatory machinery that would provide for the orderly auditing of these tremendous amounts of money before they are paid out of the Federal Treasury. This is involved in one of these amendments. It is a matter of importance to your constituents, however you may feel with reference to the prohibition question.

Then there is a provision inserted in the Senate upon the insistence of a well-known prohibitionist.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Speaker, I yield myself six minutes more, as I have no further requests for time on this side.

If you will refer to page 17 of the pending bill you will find amendment No. 17, proposed by the Senator from Virginia, Senator CARTER GLASS. I am sure that the gentleman from Michigan and the gentleman from Wisconsin can find no legitimate quarrel with the long and well-established reputation of that great Senator as an ardent advocate of the real cause of prohibition, although they might find some opportunity to question his position upon that question during the late national campaign. But, gentlemen, I want to call the attention of the Republican membership of this House to just exactly what the Glass amendment does.

Every one of you who will refresh his recollection with reference to the position of Mr. Hoover during the presidential campaign upon this question, will remember he asserted that he recognized there were many grave abuses with reference to the enforcement of the Volstead Act and the enforcement of the statutes made in pursuance thereof as far as regulation and control were concerned; that as a student of public affairs he solemnly acknowledged, regardless of his attitude upon the main question of the eighteenth amendment, that there was a broad and legitimate field for investigation upon the part of the Executive of this country for the purpose of undertaking to ascertain what remedy, if any, could be suggested and effectuated to correct that situation; and he stated in his campaign that if he were elected, soon after his inauguration he would take steps to appoint a commission to inquire into these abuses for the purpose not only of making recommendations to the Executive, but I imagine for the benefit of the lawmaking branch of the country. And what does this amendment do, I ask those of you who are advocating Mr. Hoover's position upon this question? It simply carries into effect, in plain and simple terms, with an adequate appropriation for its enforcement, this plan and gives an opportunity to the incoming President immediately upon his inauguration, to take the steps which he has indicated he thinks are so sorely needed. Can you find quarrel with that? Is there any politics in that? How can the Republican membership of this House in good conscience assert that simply because a Democratic Senator has made possible at this session of Congress the realization of your President elect's views upon this question, that you are going to turn it down, although it expresses those views, and then say it ought to be defeated simply because it is suggested by sinister political considerations?

Now, gentlemen, I have heard some strange language used here to-day upon the floor of this House. I did not think I would ever live to see the day when gentlemen, like my amiable friend from Michigan [Mr. CRAMTON] particularly, would stand upon the floor of this House and absolutely exhaust the vocabulary of scorn and contumely in opprobrium of those gentlemen naming some specific bishops in the last campaign whose support before the election he was seeking "even as the hart panteth after the water brook." [Applause.]

He comes in here this afternoon, this reputed leader of the dry forces in the Congress of the United States—whether the gentleman modestly disclaims it or not, he is so recognized by others—yet he says this great bishop of the Methodist Church, however earnestly and zealously he labored in the cause of what he con-

ceived to be for the best interests of prohibition—you say that he and all his associates in the moral cause represented by the Anti-Saloon League, are impostors and that they are all playing politics merely for the purpose of rehabilitating their political status.

Mr. CRAMTON. The gentleman has no right to put words in my mouth that I did not utter.

Mr. BANKHEAD. That is the logical and legitimate inference to be drawn from the words the gentleman uttered. [Applause on the Democratic side.]

These gentlemen, driven into a cul-de-sac, recognized the inconsistency of their position, come in here and in a quasi-humorous way, with scantily clothed sophistry, assert that the whole argument on the other side is based on politics.

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

Mr. BANKHEAD. I will take the remainder of my time.

I want to suggest to the gentleman from Michigan, and my good friend from Ohio [Mr. COOPER], and others who on the floor of this House have made arguments that this is purely an issue to readjust and rehabilitate the political fortunes, and to discredit the incoming administration of Mr. Hoover, to turn to pages 2059–2060, of the CONGRESSIONAL RECORD, and although I can not advert to the individual votes of Senators, they will see that by a vote of 50 to 27 the resolution embodying the Harris amendment was passed in the Senate of the United States. If the gentlemen will be courageous enough and fair enough to examine the personnel of the vote they will see many distinguished Republican Senators, and many who are as ardently dry as the gentleman from Michigan, voted for the amendment.

Gentlemen, it will not do to answer that the proposition was confined to politics. I will tell you how I am actuated in my vote. I represent what I know to be a dry district down in Alabama, I imagine that at least 90 per cent of my constituents are in favor of the enforcement of the law—the eighteenth amendment and the Volstead law. They know from evidences around them and from evidences brought to them from other parts of the country that in the last six years the Republican administration have not only had no enforcement of the prohibition law but what is much worse they feel that there has not been any honest effort to try and enforce the prohibition law. [Applause.]

I have no fault to find with the gentleman from New York [Mr. O'CONNOR] on my side of the House, or the gentleman from Wisconsin [Mr. SCHAFER], or the gentleman from Maryland [Mr. LINTHICUM], who are admittedly wet, who do not favor the eighteenth amendment but, my friends, in closing this debate upon this rule I make an earnest and sincere appeal to all gentlemen, leaders on the floor of the House, who pretend to and do believe in prohibition and in an honest effort to enforce it, to express by their vote that desire and obligation. [Applause.]

You are not going to be able, in my opinion, to deceive the American people with reference to this thing—to go out and tell them it was merely a vote on a parliamentary proposition. That is what you will do, I know that will be your excuse, and that will be your subterfuge, because you can not answer otherwise. You will say that this proposition was merely a vote on the previous question, but I want to assert and place it in the RECORD now, as the gentleman from Tennessee [Mr. BYRNS] said in his splendid and illuminating address, that the issue is squarely presented to you and the American people themselves will understand it. [Applause.]

I say to you, consider what your constituents, if they were here in this gallery this afternoon, would instruct you to do upon the merits, upon the essence, upon the very legislative sacrament of this proposition. I have no doubt that a great majority of your constituents from the dry districts if they were here would personally instruct you this afternoon to vote for the opportunity to make the prohibition laws of the country effective in an honest way.

Mr. ALLGOOD. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. ALLGOOD. If this amendment is defeated, will not the wet forces throughout the country claim a great victory against prohibition?

Mr. BANKHEAD. I assume they would, and they would be entitled to do so.

Mr. YON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. YON. The gentleman from Massachusetts [Mr. UNDERHILL] intimated a while ago that if this amendment were put through, the rehabilitation measures that are pending for Florida, Georgia, and South Carolina would not pass. Has the gentleman any intimation that they would not?

Mr. BANKHEAD. I have no intimation on that subject.

Mr. YON. Does the gentleman think it is fair should this bill pass that they shall be held up?

Mr. BANKHEAD. I am not acquainted with the merits of the proposition to which the gentleman refers, but they should in no way be fairly affected by the result of the vote on this rule or the adoption of the prohibition amendment.

Mr. SNELL. Mr. Speaker, I now yield to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, in considering this amendment, which provides for an additional appropriation of $24,00,000 to be used for prohibition enforcement, I have come to the conclusion it is an unwarranted raid on the Federal Treasury and should be defeated. I know no political party, nor do I think of my own political welfare in arriving at my decision.

Why should I vote to take from the Public Treasury $24,000,000 to be used in an effort to enforce prohibition when the officials charged with the responsibility of enforcement openly declare there is not only no need for such an expenditure but they would not know how to use the money if Congress set aside such an amount for that purpose?

To consider this matter from a political standpoint is a position that can not be defended, nor should the views of the Member on the eighteenth amendment or the Volstead law be taken into consideration.

The Director of the Budget in a speech during the week says we are facing a deficit which might amount to $100,000,000 by July 1 unless drastic action is taken. Every Member of this House, regardless of political affiliations, should join in an effort to prevent such a condition. Personally, I now assure the Republican leaders they will receive my support in their efforts to keep appropriations within the revenues. This is a good time to commence the work.

The enforcement of prohibition has been discussed for years in both branches of Congress. Those possessing liberal views have been assailed for stating that enforcement has broken down. Now, however, we find the author of the amendment declaring enforcement up to this time has been a farce. He simply affirms the statements so often made on this floor and so vigorously denied by dry leaders. When those of us who are opposed to the eighteenth amendment and Volstead law have stated enforcement has broken down or the effort was a farce, we have been assailed by the leading drys. Now we find the advocates of prohibition taking the position that those opposed long since have taken.

This is but one of a number of methods prohibitionists—especially those who delight in rising on this floor and proudly proclaiming they were in part responsible for creating the sentiment that resulted in the adoption of the eighteenth amendment—advance to better conditions. A few days ago the gentleman from Kansas [Mr. SPROUL] tells us "we" are now preparing bills shortly to be introduced that will, when enacted, make the United States as dry as a desert. He does not disclose who the "we" represent, but, startling as his suggestions are, there is one advanced which I predict will cause even dry advocates to rebel against and that is the suggestion to do away with trial by jury. Of course, Congress can not do this by the enactment of a bill, as it will require an amendment to the Constitution, and before such an amendment is ever ratified by the States the eighteenth amendment will have been repealed.

In reference to the argument that those opposing this appropriation will be charged with hamstringing enforcement is answered by Dr. James M. Doran, Commissioner of Prohibition. Only last week he told me that he would not know what to do with the money if it was appropriated.

I do strongly criticize the methods used at times by enforcement officers and feel justified for so doing. I have on my desk at the present time a letter from a business man in St. Louis asking me to advise him if there is any law under which he can be reimbursed for damages suffered due to one of his salesmen accepting employment as a prohibition agent, without his knowledge and using his position as salesman to entrap citizens of St. Louis to violate the prohibition laws. This man, Merritt D. Padfield, sold paper to the retail trade, including proprietors of beverage parlors. He was employed by the Prohibition Unit last June, but continued his work as a paper salesman, he says, as a side line. That he worked with the approval of the Prohibition Unit as an undercover man is evident because he did not apply for a search warrant until a day or two before Christmas, when 61 arrests were made. He induced his paper customers to sell liquor or beer to him and a "friend," also a prohibition agent. The president of the paper concern, Mr. Russell W. Meredith, says his prosperous business has been ruined by the activities of this salesman. He has tried without success to find some legal course of action he could take against either the

salesman or Government, but we all know there is no statute under which he can recover damages. In one instance the salesman, when denied liquor by a customer, had the man call the company and ask the proprietor if Padfield was in their employ, and when told he was, secured the liquor for him.

The search and seizure amendment to the Constitution is violated almost daily by the prohibition agents. I have introduced a bill making it a felony for a Government officer to violate the fourth or fifth amendment to the Consitution; but of course the dry leaders will not sanction such action, and my bill sleeps quietly in the archives of the Judiciary Committee.

Within a week I read where a girl, a stenographer by day, is employed by night by prohibition officials to drink liquor and secure evidence; officers in charge of a posse killed a 6-year old girl riding with her parents near Windsor, Mo., while looking for suspicious characters thought to have liquor; a man was killed and a woman companion seriously injured when officers fired shotguns at an automobile thought to contain a load of Canadian whisky near Stella, Mo. It is only fair to state these officers in both the case of the young girl and the man and his companion were not Federal officers, but they claim they were trying to enforce prohibition laws. Federal agents do not visit dry territory in my State but confine their efforts to St. Louis and Kansas City, not destroying the source of supply but in 90 per cent of the cases arresting men and women charged with selling a drink of liquor or a bottle of beer.

Another occurrence worthy of special mention also within the last week was the raiding of a factory in my district where about 150 ladies are employed. Three brothers, Leo, Frank, and Joseph Bussman, manufacturers of the Bussman lamps sold all over the United States, operate a large electrical-appliance factory. Entering the factory by means of a ruse two Federal agents later appeared before the United States commissioner and swore to a warrant stating they had seen a barrel of whisky in the factory. Armed with the warrant, they raided the factory, carrying an ax and threatened to break up factory equipment if the whisky was not produced. They are charged by the proprietor with using profane language and threatening some of the women employees. In the end they claim to have found 10 ounces of alcohol. The alcohol did not belong to the employers but probably to one of the many employees. Still the agents arrested all three officers of the firm, charging them with possession of intoxicating liquors. Such methods should not be tolerated.

I see no reason to squander public funds—badly needed at the present time—by giving $24,000,000 additional for prohibition enforcement when the Secretary of the Treasury, the Commissioner of Prohibition, and all other Government officials charged with enforcement of this law say they do not want it and can not use it.

I am strongly of the opinion the people of the country, wet and dry alike, will condemn, rather than commend, those responsible for the effort to waste $24,000,000 of public funds.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Speaker, ladies, and gentlemen of the House, with us people out in the cornfields in the Middle West, who found the liquor traffic operating to our disadvantage, started the idea of driving the saloons out of business. The practical operation of the enforcement of the prohibition law has been that the people there have quit electing men and women to administrative, judicial, legislative, and law-enforcing offices who are going around "winking" to the other fellow that the prohibition law can not be enforced. We have brought enforcement down to about a petty larceny basis. You will never stamp out petty or grand larceny, but we can keep it down where we can live with it. We have it down to a point where we can live with prohibition enforcement better than we could with the liquor traffic. We have driven the professional bootlegger out into the large centers of population, and in some of those centers, I do not care how many law-enforcement officers you have, you could not enforce the law until it gets so that they can not live with it. Take places like Springfield and Chicago, and they are now rising up in arms and saying that we have got to suppress the bootleggers and crooks and that they are going to run them out. With reference to running them out, we are not going to let them run them back into our districts. Here is what the Champaign Gazette says about the lament from Chicago, where they have had a large amount of disregard for law enforcement:

> We should be prepared so that if any of the thugs get an idea of coming around here to pull off any of their rough stuff they'll get the crack in the ear that they deserve. Champaign County has the reputation of treating 'em rough, the treatment given the diamond bandit being a sample, and let's see that that reputation is sustained. The community has been unusually free from crime for many months, and every care should be taken to keep it so. Lack of preparation in view of the Chicago situation might result in serious consequences—it will be too late then to offer a lot of alibis. You know the old saying, "An ounce of prevention, etc." Now is the time.

The bootlegger doing business on a large scale has naturally got away from the communities where the communities elect judges, State attorneys, mayors, sheriffs, and city councils who are in sympathy with the prohibition law and gone into the centers where they elect officers not in sympathy with prohibition enforcement. Lawbreakers generally will naturally go to the communities where there is liberal treatment of liquor-law violators. Look the country over and you will find these "havens of refuge" getting fewer in number and their lawless element no doubt increasing. When they get to the point that it is dangerous to live with them, the citizens usually have a "house cleaning" and restore good government. In communities of that kind, no matter how many Federal officers you had or how many arrests made, few convictions would be had. Local public sentiment is the greatest law-enforcing agency we have. If the Government should spend this entire $24,000,000 on such communities, I think the enterprise would fail.

I do not think my people expect the Federal Government to police their towns. They can do that themselves.

I think the Federal Government should use its agencies to keep the supply of "booze" from coming in from other countries, suppress interstate shipments and other large sources of illicit supplies. The "petit-larceny" stuff in local communities will be taken care of by local authorities when conditions get where they have to do it.

An institution that had been with us as long as the liquor traffic has, I think we have made very good progress up to date.

My information is this body voted the department all the money they asked for to enforce the Volstead Act, and when I heard of this proposal to give the department $24,000,000 they had not asked for, had made no provision to use in any way, I did not give it a serious thought. In my legislative experience, both State and national, I have observed it was always a serious problem to provide money enough for the various agencies of government to function properly and at the same time not place an unbearable burden on the taxpayer.

This is certainly an unusual procedure to hand over $24,000,000 of the people's money there is no call for and no program for its use, and as I see it no justifiable reason for doing so. This wet-and-dry "bugaboo" that has been raised here this afternoon I do not take any stock in. I think everybody knows there is not 100 so-called wet votes in this House.

I think everyone knows if the Hoover administration needs more money for law enforcement this House will vote for it.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BANKHEAD. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Speaker, ladies, and gentlemen of the House, I have listened with a great deal of attention this afternoon to the debate, especially to that part of the debate coming from the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Ohio [Mr. COOPER], wherein they stated, and apparently were glad to do so, that the liquor question was the question that defeated Governor Smith as the Democratic nominee for the Presidency of the United States. I say that that is not the fact. Any man, who, as the leader of his party, could obtain 15,000,000 votes in the United States deserves recognition not only for his statesmanship but for his integrity and the things that he has accomplished. He has been four times elected Governor of the Empire State of New York. [Applause.] My friends, what defeated Governor Smith was something far more insidious, far more diabolical than that. In this country of ours where we boast of religious freedom, cradled as it was at Plymouth Rock and continued on by our forefathers in the Constitution, 1787–1789, the Ku-Klux Klan with its insidious propaganda was shot into the campaign. I, as a member of the Methodist Church for over 40 years, resent the propaganda and the snakelike virulent poison which was resorted to in this campaign. I resent it because it is un-American and unfair. That is what defeated Governor Smith for the Presidency of the United States. [Applause.] Our proud boast of religious freedom became a mockery.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WELLER. May I have a half minute more?

The SPEAKER. All time has expired on that side.

Mr. WELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a paragraph

from the message of Gov. Alfred E. Smith to the legislature at Albany on January 4, 1928.

The SPEAKER. Is there objection?

There was no objection.

The extract referred to is as follows:

In the meanwhile, there devolves upon the State the sacred duty of sustaining the eighteenth amendment and the Volstead law. They are as much a part of the laws of this State as our own statutes and our own constitution. In fact, the Constitution of the United States itself declares that document and the laws made pursuant to it to be the supreme law of the land and the judges in every State bound thereby, anything in the constitution and the laws of any State to the contrary notwithstanding. Aside from the limited number of policemen who patrol the sparsely settled sections of the State, the State's police power is delegated and we find it exercised in the first instance by the village constable, the sheriffs, and deputy sheriffs, and the police officials of the cities. I speak only the truth when I say that the people of any locality get the degree of law enforcement upon which they insist and for which they are willing to pay. As far as I am concerned, in obedience to my oath to sustain the Constitution of the United States, I have repeatedly promised the people that so far as it lies in my power in the constitutional or statute law, I will remove from office upon proper proof being presented, any public official charged with laxity in enforcement of the law. Obedience to law is the foundation stone upon which the structure of government rests. Uniform enforcement, uniform obedience is necessary to preserve the dignity and the majesty of the law. Law enforcement must of necessity begin with arrest (p. 90).

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, before beginning my remarks, I wish to ask unanimous consent that all Members of the House may have five legislative days in which to extend their own remarks on the rule now under consideration.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members of the House may have five legislative days in which to extend their own remarks on this legislation. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, in the few minutes at my disposal I wish to refer to two points which seem to me have not been sufficiently impressed. The first is that this is not and can not by any distortion of fact be made a contest between wets and drys. We have only to turn to the speeches which have been made here to-day and the men who have made these speeches to prove my statement. Men who have directly opposite views on the general question of prohibition are voting side by side on this resolution, both for and against it. Here is my friend from Michigan [Mr. CRAMTON] and also my friend from Ohio [Mr. COOPER] as examples on the dry side supporting the rule to send the bill to conference and opposing the $24,000,000 appropriation. Their honesty as well as their zeal in the prohibition cause is well known. On the other side of the aisle sitting before me is the gentleman from Maryland and a considerable number of others on his side who are conscientiously wet, but are supporting the same side in this controversy as the two earnest drys just mentioned, and all of these on both sides are entirely consistent so far as the proposed appropriation is concerned.

On the other side of the controversy we find the gallant young champion of the wets from New York [Mr. LAGUARDIA] urging the appropriation of the $24,000,000, and as much more as any enthusiast will suggest to prove that prohibition can not be enforced regardless of the amount appropriated.

Therefore I say that this is not a contest between the wets and drys, so that no one need fear having the slightest difficulty in explaining his vote on this score.

Coming through the Speaker's lobby a few minutes ago I heard an honored Democratic Member—I do not know whether he knew that I heard him—say that what was troubling him was the difficulty he had in determining how much of the proposed $24,000,000 appropriation is politics and how much of it common sense. I felt inclined to tell him that there was more of the former than of the latter. The political side, however, has been liberally discussed here to-day, and I shall not go further into it, but I shall refer to the common-sense side of it.

For what other purpose could an appropriation of $24,000,000, without an estimate from any department, without the approval of the Budget, without consideration by a committee, be brought into this House and receive serious consideration. A Member who attempted to bring such a proposition before the House on any other subject would be laughed to scorn. It would be said at once that such a course of procedure could not be good common sense. It would be pointed out at once that there should be an estimate and that it should have the approval of the Budget.

We now set great store by the Budget—and well we may because it has assisted greatly in systematizing appropriations and bringing about efficiency as well as economy. What will happen if a proposal of this sort, carrying a large sum of money sufficient to cause a deficit in the Treasury, can be brought in here by a haphazard amendment, without consideration by a department of the Government or the Budget, and passed without even knowing what it is going to be used for? If this should become the practice the budget system is doomed. [Applause.]

Is there a single good reason why we should proceed in the manner proposed by this amendment? Has there been an occasion, when, after consideration and an estimate by the proper department and a recommendation by the Budget, that an appropriation for prohibition enforcement has been refused? Has there been an occasion at any time when an appropriation asked for by a department and approved by the Budget has been refused by Congress for this purpose? Does anyone here believe for a moment that there will arise an occasion when funds will be refused by the Congress for the proper enforcement of the prohibition law? Then why should we proceed in this very unusual manner to disregard our budget system and make a huge appropriation for an uncertain, or at least, an undefined purpose? Ordinarily this House shies at large lump-sum appropriations without having a very clear understanding of the purposes for which they are to be expended. There is no justifiable cause for deviating in this instance from that very wise and wholesome rule.

Mr. Speaker, I yield back the remainder of my time.

Mr. SNELL. Mr. Speaker, I desire to take just a short time to close this debate.

I am very much surprised at the statement made by my good friend from Tennessee [Mr. BYRNS], who has a record in this House as being a very careful and consistent legislator in every respect. I am wondering whether he truly expressed himself in his speech to-day or at the time when he made a statement in the House, on December 18, 1928, relative to the other large appropriation that was proposed for the enforcement of prohibition. I want to call the attention of the House to the statement the gentleman from Tennessee made on that occasion, when he said:

I was unwilling, in the face of the fact that we are confronted with a deficit, which seems to be inevitable if the figures of the Treasury Department are correct, to vote $250,000,000 out of the United States Treasury when we have no program before us and no intimation or idea as to just how it would be expended if it were so appropriated and no request from the administration for further funds.

[Applause and cries of "Vote!"]

I wonder whether the gentleman was speaking, according to the record on that occasion, or was speaking for himself to-day as a conscientious legislator?

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I can not yield at this time. Well, I want to be perfectly fair, and I will yield to the gentleman.

Mr. BYRNS. The proposition, then, was to put $250,000,000 in the hands of the Secretary of the Treasury. I said in that speech that I would vote for $25,000,000, and even $50,000,000. I would oppose now, as I did then, the appropriation of $250,000,000 for the Prohibition Unit alone. Why does not the gentleman read all of the remarks which I made at that time.

Mr. SNELL. The gentleman can put that in the RECORD if he likes. But what I have quoted was the closing remark that the gentleman made on December 18, 1928, and stated at that time that we had no requests for further funds.

Mr. BYRNS. Since then has not the Secretary of the Treasury said he needed money for the Coast Guard and the border patrol?

Mr. SNELL. There has been no statement made that he needed additional funds.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question. The question is on agreeing to that motion.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POU. Mr. Speaker, I ask for the yeas and nays on that.

The SPEAKER. The gentleman from North Carolina asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of ordering the previous question, when their names are called, will answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 141, not voting 47, as follows:

[Roll No. 19]

YEAS—240

Ackerman	Dempsey	Johnson, Ind.	Robsion, Ky.
Adkins	Denison	Johnson, S. Dak.	Rogers
Aldrich	Dickstein	Johnson, Wash.	Rowbottom
Allen	Douglas, Ariz.	Kading	Sabath
Andresen	Douglass, Mass.	Kahn	Schafer
Andrew	Doutrich	Kearns	Schneider
Arentz	Dyer	Kelly	Sears, Nebr.
Auf der Heide	Eaton	Kendall	Seger
Bacharach	Elliott	Ketcham	Selvig
Bachmann	England	Knutson	Shreve
Barbour	Englebright	Kopp	Simmons
Beck, Wis.	Estep	Korell	Sinclair
Beedy	Evans, Calif.	Kurtz	Sirovich
Beers	Fenn	Lampert	Smith
Begg	Fish	Langley	Snell
Berger	Fitzgerald, Roy G.	Lea	Somers, N. Y.
Black, N. Y.	Fitzgerald, W. T.	Leatherwood	Sproul, Ill.
Bloom	Fitzpatrick	Leavitt	Sproul, Kans.
Bowles	Fort	Leech	Stalker
Bowman	Foss	Lehlbach	Stobbs
Boylan	Frear	Letts	Strong, Kans.
Brigham	Free	Lindsay	Sullivan
Britten	Freeman	Linthicum	Summers, Wash.
Burdick	French	Luce	Swick
Burtness	Fulmer	McCormack	Swing
Bushong	Gambrill	McLaughlin	Taber
Campbell	Garber	McLeod	Tatgenhorst
Carew	Gibson	Magrady	Taylor, Tenn.
Carley	Gifford	Mapes	Temple
Carter	Glynn	Martin, Mass.	Thatcher
Casey	Golder	Mead	Thompson
Celler	Goodwin	Menges	Thurston
Chalmers	Griffin	Merritt	Tilson
Chase	Guyer	Michaelson	Timberlake
Chindblom	Hadley	Michener	Tinkham
Christopherson	Hale	Miller	Treadway
Clague	Hall, Ill.	Mooney	Underhill
Clancy	Hall, Ind.	Moore, Ohio	Updike
Clarke	Hall, N. Dak.	Morgan	Vestal
Cochran, Mo.	Hancock	Nelson, Me.	Vincent, Mich.
Cochran, Pa.	Hardy	Nelson, Wis.	Wainwright
Cohen	Haugen	Newton	Ware
Cole, Iowa	Hawley	Niedringhaus	Wason
Cole, Md.	Hersey	Norton, N. J.	Watres
Colton	Hickey	O'Connell	Watson
Combs	Hoch	O'Connor, N. Y.	Welch, Calif.
Connery	Hoffman	Oliver, N. Y.	Weller
Cooper, Ohio	Hogg	Palmisano	Welsh, Pa.
Cooper, Wis.	Holaday	Parker	White, Colo.
Corning	Hooper	Peavey	White, Me.
Crail	Hope	Perkins	Wigglesworth
Cramton	Houston, Del.	Porter	Williams, Ill.
Crosser	Hudson	Prall	Williamson
Crowther	Hull, Morton D.	Pratt	Winter
Culkin	Hull, Wm. E.	Purnell	Wolfenden
Cullen	Igoe	Quayle	Wolverton
Dallinger	Irwin	Ramseyer	Wood
Darrow	James	Ransley	Wurzbach
Davenport	Jenkins	Reece	Wyant
Deal	Johnson, Ill.	Reed, N. Y.	Yates

NAYS—141

Abernethy	Doughton	Larsen	Robinson, Iowa
Allgood	Dowell	Lowrey	Romjue
Almon	Drane	McDuffie	Rutherford
Arnold	Drewry	McFadden	Sanders, Tex.
Aswell	Driver	McKeown	Sandlin
Ayres	Edwards	McMillan	Sears, Fla.
Bankhead	Eslick	McReynolds	Shallenberger
Bell	Evans, Mont.	McSwain	Speaks
Black, Tex.	Fisher	McSweeney	Spearing
Bland	Fletcher	Major, Ill.	Steagall
Blanton	Gardner, Ind.	Major, Mo.	Stedman
Box	Garner, Tex.	Manlove	Steele
Brand, Ga.	Garrett, Tenn.	Mansfield	Stevenson
Brand, Ohio	Garrett, Tex.	Martin, La.	Sumners, Tex.
Briggs	Gregory	Milligan	Swank
Browne	Green	Montague	Tarver
Browning	Greenwood	Moore, Ky.	Taylor, Colo.
Buchanan	Hare	Moore, Va.	Tucker
Bulwinkle	Hastings	Moorman	Vinson, Ga.
Busby	Hill, Ala.	Morehead	Vinson, Ky.
Butler	Hill, Wash.	Morrow	Warren
Byrns	Howard, Nebr.	Nelson, Mo.	Weaver
Canfield	Howard, Okla.	Norton, Nebr.	Whitehead
Cannon	Huddleston	O'Brien	Whittington
Carss	Hudspeth	O'Connor, La.	Williams, Mo.
Chapman	Hull, Tenn.	Oldfield	Williams, Tex.
Collier	Johnson, Okla.	Oliver, Ala.	Wilson, La.
Collins	Johnson, Tex.	Parks	Wilson, Miss.
Connally, Tex.	Jones	Patterson	Wingo
Cox	Kemp	Peery	Woodrum
Crisp	Kerr	Pou	Wright
Davey	Kincheloe	Quin	Yon
Davis	Kvale	Ragon	Zihlman
De Rouen	LaGuardia	Rainey	
Dickinson, Mo.	Lanham	Rankin	
Dominick	Lankford	Rayburn	

NOT VOTING—47

Anthony	Curry	Graham	Kiess
Bacon	Dickinson, Iowa	Griest	Kindred
Beck, Pa.	Doyle	Hammer	King
Bohn	Fulbright	Harrison	Kunz
Boies	Furlow	Hughes	Lozier
Buckbee	Gasque	Jacobstein	Lyon
Cartwright	Gilbert	Jeffers	McClintic
Connolly, Pa.	Goldsborough	Kent	Maas
Monast	Palmer	Strong, Pa.	Vincent, Iowa
Moore, N. J.	Reed, Ark.	Strother	White, Kans.
Morin	Reid, Ill.	Tillman	Woodruff
Murphy	Sanders, N. Y.	Underwood	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Bohn (for) with Mr. Hammer (against).
Mr. Kunz (for) with Mr. Gilbert (against).
Mr. Doyle (for) with Mr. Cartwright (against).
Mr. Buckbee (for) with Mr. Reid of Illinois (against).
Mr. Bacon (for) with Mr. McClintic (against).
Mr. Dickinson of Iowa (for) with Mr. Gasque (against).
Mr. Beck of Pennsylvania (for) with Mr. Harrison (against).
Mr. Kindred (for) with Mr. Lozier (against).

Until further notice:

Mr. Griest with Mr. Underwood.
Mr. Woodruff with Mr. Goldsborough.
Mr. Kiess with Mr. Reed of Arkansas.
Mr. Connolly of Pennsylvania with Mr. Lyon.
Mr. Graham with Mr. Jeffers.
Mr. Hughes with Mr. Tillman.
Mr. Curry with Mr. Moore of New Jersey.
Mr. Murphy with Mr. Kent.
Mr. Strong of Pennsylvania with Mr. Jacobstein.
Mr. Morin with Mr. Fulbright.
Mr. King with Mr. Monast.
Mr. Palmer with Mr. Maas.
Mr. Sanders of New York with Mr. Furlow.
Mr. Vincent of Iowa with Mr. Anthony.

Mr. KETCHAM. Mr. Speaker, my colleague, Mr. VINCENT of Iowa, is unavoidably detained on account of illness. If he had been present, I am advised he would have voted "yea."

Mr. ENGLEBRIGHT. Mr. Speaker, my colleague, Mr. CURRY, if he had been present, would have voted "yea."

Mr. CLARKE. Mr. Speaker, my colleague, Mr. BACON, if present, would have voted "yea."

Mr. CANNON. Mr. Speaker, I am in receipt of a telegram from the gentleman from Missouri, Mr. LOZIER, who is absent on account of the death of his wife, stating that if he were present he would vote against ordering the previous question.

Mr. DOUGHTON. Mr. Speaker, my colleague, Mr. HAMMER, is temporarily indisposed and unable to attend the sessions of the House. If present, he would have voted "nay."

The result of the vote was announced as above recorded.

Mr. SNELL. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. WOOD, CRAMTON, and BYRNS.

EXTENSION OF REMARKS—FIRST DEFICIENCY APPROPRIATION BILL

Mr. FREAR. Mr. Speaker, the proposal to add $24,000,000 to the present deficiency appropriation bill for the alleged purpose of furnishing additional funds to aid law enforcement comes before the House through an amendment adopted by the Senate. During the debate on this resolution to send the bill to conference various arguments have been offered for and against the $24,000,000 Senate item, but the real issue, to my mind, is smothered by irrelevant matters.

It is alleged that the $24,000,000 is needed for better enforcement of the eighteenth amendment. If that is the real issue, then Congress, on the request of any responsible governmental agency, by an overwhelming majority, would, unquestionably, appropriate double that amount, if asked for by any law-enforcement agency. The constitutional amendment is law; and during the last campaign both political parties advocated enforcement of the law. Whether the Senate amendment is offered to rehabilitate the Democratic Party, as has been repeatedly claimed by Republican speakers, or whether it is offered to disclose the inadequacy of ten times that amount, as claimed by the wet advocates, is not the issue.

No governmental agency has asked for $24,000,000 or $240,000,000 or for any other amount to enforce the law, in addition to that requested in the Budget. Of course, no sacredness attaches to $24,000,000 or any other figure that has arbitrarily been added to the bill in the Senate. In fact, opponents of the law declare they support the $24,000,000 amendment to demonstrate its ineffectiveness to enforce.

Personally, I believe law enforcement properly belongs to the Department of Justice and that a transfer to that department of eighteenth amendment violations would result in specific recommendations for additional judges and other needed officials to aid enforcement.

Opponents to the law argue that Secretary Mellon is not in sympathy with the law now administered by the Treasury Department; that neither $24,000,000 or any other amount will bring enforcement; and yet with few exceptions they are urging this amendment. Men of national prominence who favor law enforcement are confronted by this argument, but with legisla-

tors are asked to subscribe to the spectacle of Greeks bearing gifts intended only to confuse or destroy.

President Coolidge and President Hoover will be charged with the disbursement of the $24,000,000. Both have protested against the unbusinesslike proceeding of placing that responsibility on them when not asked for by any governmental agency.

Its disbursement or lack of disbursement would be certain to meet criticism from business and political sources, and the proposal is a legislative gesture that does not reflect credit on the intelligence or sincerity of the American Congress. Such a proposal would be deemed childish and inexcusable if loaded onto a village president against his protest. It would invite certain bankruptcy if a similar policy was adopted by any business interest, from a great corporation to a corner grocery store, and the American Congress represents the world's greatest corporation.

SHIFTING OUR RESPONSIBILITY

Surely we can not lend ourselves to a policy in times of peace of delegating to the President the determination of how $24,000,000 or $240,000,000 should be spent. That is our responsibility.

Congress, without strings, gave $100,000,000 to President Wilson in time of war, and while the necessities of the case required such action and the war covered a multitude of excusable extravagances, the heritage of a $100,000,000 Muscle Shoals power plant, repeatedly defeated in time of peace, was made possible only by such delegation of authority during war.

For several years items involving many millions of dollars recommended by River and Harbor Committees for navigation, Military Committees for nitrates, and Agricultural Committees for fertilizer at Muscle Shoals were successfully opposed prior to the war. Thereafter the expenditures at Government expense occurred by Executive order.

My own opposition to old-time "pork barrels," whether carried by river and harbor, public buildings, or other bills brought home the fact that committees, made up of Members having projects, were necessarily subjected to undue pressure under the old system that involved many independent appropriation committees. After a long struggle one of the greatest reforms ever brought about in Congress occurred with the passage of the national Budget law in 1921. That law prevents loose methods of legislation and has saved hundreds of millions of dollars to the Federal Treasury in the brief time it has been in force.

Realizing that our Federal Government was a corporation no different in character than other governments so far as its financial resources and disbursements were concerned, I urged repeatedly the adoption of a national budget. Without arrogating to myself any credit for legislative agitation or adoption of the Budget law that followed, I am forcibly reminded by to-day's proceedings of a 40-minute speech made December 14, 1917, on House Resolution 157 based on a resolution I had introduced for a national budget system.

At that time and during the World War I said:

No sermon on the imperative necessity of strict public economy could be more impressive than a brief review of cold statistics I have offered which carry their own unanswerable argument, and it is because of this critical time in the Nation's history when governments are changing form and the toll of life and property is beyond human comprehension that this law-making body should meet the problem without evasion or legislative quibbling.

After referring to messages of President Taft and efforts to enact a budget law in the Sixty-second Congress, I added:

A budget will require annual submission of carefully prepared estimates by the different departments of all proposed expenditures to a control agency there to be reviewed, pruned, and approved before submission to Congress for consideration. Congress will then intelligently determine what should be allowed for the support of government * * *. It will tend toward wise and disinterested consideration of appropriation bills, increased efficiency, curtailment of legislative logrolling, public waste and extravagance, and will materially shorten sessions of Congress. * * * Practically every government on earth—some 50 in number—have adopted some form of public budget in order to promote efficiency, economy, and responsibility. Our own Government alone invites wholesale extravagance by refusing to adopt any intelligent legislative financial policy.

During this hour of national peril will our Democratic friends repudiate their party pledge and disregard their leader's (President Wilson's) request or will they, in fact as well as words, join hands with this side of the aisle and unitedly stand by the President in this effort to prevent public waste?

A budget resolution was set forth in full following the speech.

Our Democratic friends ignored their party pledge made at St. Louis in 1916, which advocated a single appropriation committee as a "practicable first step toward a budget system," and even as late as June 24, 1919, one of their most conspicuous and honored leaders expressed the "futility" of any budget legislative hopes. From another fairly lengthy discussion of the same subject on the above date I quote after prior interrogations by ex-Speaker Clark:

Mr. FREAR. The budget committee has the preparation of the revenues and the expenditures of the revenues of the Government. That is the proper place for its consideration, the same as other governments. Every government on the face of the earth has a budget system except ours, and in no other government is there so much carelessness and so much looseness in regard to appropriations. I do not say this is the only practical budget system, but I say that any good budget system that contains the propositions I have mentioned will prove a great improvement over our present system. Of course, you will have to do away with your 14 appropriating committees, having control over 14 to 20 appropriation bills. That is a first and a hard proposal to accept.

CHAMP CLARK, THE DEMOCRATIC LEADER

Mr. CLARK of Missouri. Mr. Chairman, I do not like to take up the gentleman's time——

Mr. FREAR. I do not feel that I have the right to refuse to yield to the distinguished ex-Speaker.

Mr. CLARK of Missouri. I hope the gentleman will get some more time; but this is one of the most important questions that has been discussed since I have been here. Has the gentleman ever figured on these 14 appropriation bills coming from 7 appropriating committees? There are 21 Members on each committee, and seven times 21 is 147. You have 147 Members against you to start with.

Mr. FREAR. I appreciate that, and it is a far larger number than you have stated. The gentleman from Kentucky, Mr. Sherley, when chairman of the Appropriations Committee, said to me, "You will have over 200 against you to start with." But we are going to make the fight through public sentiment, and we must convince our own membership it is right.

Mr. CLARK of Missouri. I am not opposed to it. I am just suggesting to you the futility of talking about it.

Mr. FREAR. We have never got anywhere or anything on earth that we have not talked about. I know that the distinguished ex-Speaker, with all the power that he possesses, must be in sympathy with the proposition of saving time and saving money and——

Mr. CLARK of Missouri. Yes; of course; and I am in sympathy with getting up some kind of a scheme to induce Members to come here and attend to business.

Mr. FREAR. * * * I realize great obstacles that the ex-Speaker has mentioned, and I know the opposition to the project, and what is true here is true with respect to the body at the other end of the Capitol, and Senators are more jealous of their rights, their powers, and perquisites than are the Members of this body. But it has got to come. * * *

EX-SPEAKER JOE CANNON SAID THE BUDGET LAW FIGHT WAS FUTILE

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. Certainly to the gentleman from Illinois.

Mr. CANNON. Under our Constitution, with a Senate that changes one-third of its membership every two years, and with a House that changes every two years, how in the world can you have a budget governing the whole public service and get anything out of it? As I understand it, in Great Britain, when their budget is turned down, they go to the people at an election. You can not do that here. I suppose that is also so in France, and I suppose it is so in Italy.

Mr. FREAR. If the distinguished Republican ex-Speaker, to whom we all listen with profound respect, as we also listen to ex-Speaker Clark, will reflect a moment, they will both realize that when the Republican Party challenges the record of the Democratic administration, or when the Democratic Party challenges the record of a Republican administration, we must stand on our record, on the moneys we demand and vote, and if a Republican Congress does not give a Democratic administration a sufficient amount of money to properly run the Government the public at large will not retain us in the service, but will turn us out. That is our responsibility. In other countries to which reference has been made they oust the ministry. Here we can not do that. It will take time to make necessary changes, but fundamentally the same principle is at the bottom of it. Under this resolution that I have proposed and under the two bills that are proposed we would have the same situation as exists in Great Britain, where an enormous amount of time and an enormous amount of money is saved compared with our lack of system. * * *

* * * * * * * *

Mr. FREAR. I realize, as both distinguished ex-Speakers have said, that it is hard to attempt to outline in brief time the importance of this subject, but I am going to insert the bills, resolution, and other data, and if you will do me the honor to read them you will find a way pointed out, and you will find I have outlined not only the faults of the present system but the object to be attained by a new real budget plan.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes. If he can devise a way

to get a budget, I would like to hear of it. I am not opposed to the budget. I ask unanimous consent that the gentleman's time be extended 10 minutes. * * *

I have quoted briefly from my remarks in the House during the fight for a budget law to disclose that ex-Speakers Clark and Cannon, two of the most able men of this body during the last quarter of a century, both expressed the futility and hopelessness of any budget law for the United States. Less than a decade ago we were drifting financially in legislation without star or compass. We regulated our income by our expenditures. Then we passed the law to prevent such an amendment as that offered by the Senate and now before us.

Under the budget law we seek now to limit expenditures to income and to use the same judgment an individual would use in the regulation of his own business or family expenditures.

I repeat that no sensible man doubts that, irrespective of returns from fines or penalties that lessen actual costs of enforcement, Congress will appropriate every dollar asked for by any responsible governmental agency for law enforcement, and this applies to every governmental activity, whether it concerns the eighteenth amendment, narcotics, immigration, or other law violations.

The President has repeatedly called our attention to the necessity of observing Budget recommendations if we are to keep within income and estimates.

Congress should do this without Executive warning because the responsibility is ours under the law. Not one valid excuse or argument has been offered for this $24,000,000 super budget expenditure, nor for the unprecedented effort to load such expenditure onto an executive who repudiates the act in advance. To do so in opposition to the clear intent of the Budget law and against the announced opposition of the President is a spectacle that does not reflect credit on a body that makes a pretense of enforcing individual compliance with law by itself violating a plain provision of law and also of the Constitution that places responsibility for all expenditures with Congress.

I have not mentioned the charge that the $24,000,000 amendment is intended for political claptrap or for the rehabilitation of a political party or to injure law enforcement by its claimed futility.

These charges are beside the question and of slight importance compared with an effort to destroy the integrity of the Budget law without the shadow of an excuse for such action. Emergency expenditures will ever be called for by deficiency appropriations, but the Senate $24,000,000 amendment or any other amount is without any official sanction by those who have been selected by law. For that reason the resolution sending to conference should be passed, and the Senate conferees, without prejudice, should strike out this item because of the reasons mentioned. If any effort to prevent needed law enforcement appropriations is ever offered in either branch of Congress it may be necessary to propose amendments to that end, and they will be passed overwhelmingly. The purpose of this amendment, however, is not to meet any failure of such duty on the part of the Appropriation Committee or of either branch of Congress.

Mr. HUDSON. Mr. Speaker, I know that there is no occasion for me to use any of the time allowed me in the debate on this amendment to state to my colleagues my position on the eighteenth amendment or the Volstead Act for the enforcement by the Government of the same.

I gave six of the best years of my life to the writing into Michigan's constitution a prohibition amendment and then the enacting of an enforcement code that is equal, if not superior, to the Volstead law. The State amendment and its enforcement law has stood the test of every assault upon it as has the Volstead law of the national enforcement code, and the question of the prohibition of the beverage liquor traffic is firmly established in the State constitution as it is in the national Constitution.

The history of legislation in this Nation reveals the fact that no prohibitory law that has lived through 10 years has been repealed. I stand ready to-day to vote for any appropriation in any amount, be it $5,000,000 or $50,000,000 for the enforcement of the law, when such appropriation is requested by any or all departments that have to do with its enforcement and it can be shown how it can be used effectively, or upon the request of the President, who in theory, if not in practice, is responsible for the well-being and safety of this Nation of ours.

In the matter before us to-day of adding to the deficiency appropriation bill an item of $24,000,000 for enforcement, there has been no such request or suggestion. In fact, 60 days have not elapsed since every one of these departments has been before the Appropriations Committee on two separate occasions, first in the drafting of the regular appropriation bill covering the actions of these branches for the coming fiscal year and then again covering their requirements in this very bill, the first deficiency bill, now before us. On neither occasion did they separately or together suggest they could efficiently use any such an amount of money, this year or next year. The fact is that this body did enlarge their original estimates where it was found such additional amounts could be used.

No, my colleagues, this does not come before us fairly on its merits as a matter of adequate enforcement of the prohibition law, but rather as a clever political move, which it is thought will catch the fancy of people who desire the best conditions before they can have time to analyze just what is involved here.

On Tuesday morning I received, as I apprehend you, my colleagues, all did, a letter from Dr. F. Scott McBride, general superintendent of the Anti-Saloon League of America, asking support for the amendment and giving, at some length, the reason for his position. The press had carried a statement a few days before which indicated his opposition. This, he said, was a misconception of his position.

I immediately sent the following reply:

JANUARY 28, 1929.

Mr. F. SCOTT MCBRIDE,
General Superintendent Anti-Saloon League of America,
Washington, D. C.

MY DEAR DOCTOR MCBRIDE: Your circular letter of January 28 is on my desk this morning, and I note with great interest your appeal and reasons for the adoption of the Senate amendment to the first deficiency bill, providing $24,000,000 for the enforcement of the national prohibition law.

Even though your arguments are set forth very fully and as you see it very clearly, I still have misgivings as to the wisdom of the adoption of this item to the appropriation bill; and in that position I want to go on record as being more than willing, indeed anxious, to support every suggestion or intimation that President-elect Hoover may make for the strengthening and enforcement of the eighteenth amendment; and in that connection may I say that I have great confidence personally in what he may desire to do as well as what he may do in that connection. However, as it appeals to me now, it will be unwise to adopt this amendment until a suggestion is given by Mr. Hoover concerning the same.

Congress is going into special session within less than 60 days probably. When it meets in special session he will be President and there will be an overwhelming majority on both sides of the Capitol to carry out quickly and thoroughly his wishes. Until he has spoken I feel it will be unwise to put this amount of money at his disposal.

In the second place, I question very seriously the motive behind the original proposal for such legislation.

In the third place, until the Customs Service, the border patrol, and the Prohibition Unit patrol system can be unified and their organization under one effective head, the amount of money that we appropriate for the men we employ will go to make mighty little difference as to the effectiveness of enforcement. We need more than money, the enactment of the Stalker bill, and the enactment of a United States border patrol law.

With the best of wishes, I am,
Yours sincerely,

GRANT M. HUDSON.

Yesterday I received the following telegram from the State superintendent of the Michigan Anti-Saloon League:

DETROIT, MICH., *January 30, 1929.*

I earnestly hope you will support appropriation bill 15848 carrying $24,000,000 additional for prohibition enforcement, but on condition that it be safeguarded by being placed in the hands of President or President and Prohibition Commissioner, to be used as needed for more effective enforcement. I feel certain that I reflect the views and wishes of most of the temperance forces of this State.

R. N. HOLSAPLE.

To which I sent the following reply:

WASHINGTON, D. C., *January 30, 1929.*

Dr. R. N. HOLSAPLE,
McKerchey Building, Detroit, Mich.:

Have publicly announced my intention to vote against Harris amendment. Confident I can justify my position before constituency.

GRANT M. HUDSON.

This question to-day is entirely a political one, with two angles to it—one of a party who desires to emphasize that even though their candidate said he would seek the repeal of the law and went down to defeat on that platform, they still are entitled to a seat among the respectability by fathering this $24,000,000 for law enforcement, even though it is to be used or not to be used; that is of small interest. And the other angle, that they can by its adoption some way embarrass the incoming President, who has plainly stated his splendid position of supporting the eighteenth amendment and its enforcement.

Gentlemen, we have laws enough, regulations enough, money enough to enforce the law if they had strong purpose behind them. Only determination is wanting. Twenty-four million dollars will not put iron in the blood of the enforcing officers. That does not take money; it takes public sentiment. To illustrate how this public opinion can function to the success of halting lawlessness let me read the editorial from one of the dailies of my city:

LAW ENFORCEMENT IS SHOWN

Those who believe in law enforcement, and there are many such, have suffered rebuff of their demands by the claim from some great centers that law can not be enforced. Indeed, the showing has been such that there seemed weight to the contention.

But now here comes both New York and Chicago putting on the most drastic law-enforcement campaign in years, and it appears to be getting results. It begins to appear to those looking on from the outside that the condition in both the cities came to such a pass that it could not be tolerated, even by those who have previously winked at the situation, and now a thorough going clean-up program is on.

In Chicago the readers remember that on a day early this week some 3,394 criminal suspects were rounded up summarily. Even the right of habeas corpus appears to have been in some measure suspended. So quickly were the undesirables apprehended that it seems highly evident that the police of Chicago know exactly where to place their hands on those wanted. If they can do it one time, it can be done another.

The drastic clean-up in Chicago is in some measure the result of what has been going on in New York. How the campaign in the eastern metropolis was instigated by public demand, following the murder of a prominent gambler, has already been told in these columns. An unpretentious citizen might have been slain and the fact would hardly have been noticed, but the slaying of the picturesque Rothstein made newspaper copy. Mystery added to public interest until the whole city was agog over the crime. It became evident to the public that there was some species of police connivance in high quarters and the demand that something be done became political. Even Tammany meets the demands of an aroused public. So the crooks have been driven from New York, only to head for Chicago. * * * Both cities are demonstrating what can be done if there is a will to do it.

However, let me call the attention of the House to the fact that the amendment to the deficiency bill as it now lies before us does not do what even a sincere friend of the amendment might wish it to do.

Secretary Mellon in a letter to the Appropriations Committee of the House calls attention to that fact. I quote him as carried in the morning press:

It is my understanding—

The Secretary wrote—

that in order to make prohibition enforcement more effective the Senate intended to provide additional funds for certain purposes, such as the relief of congestion in the courts; increasing the fleet, equipment, and personnel of the Coast Guard; increasing the effectiveness of the Customs Service, including the border patrol; and increasing the personnel of the Bureau of Prohibition and the Department of Justice; and that inasmuch as it was impossible definitely to allocate the sums to be spent for certain specified purposes at this time, the additional funds provided were to be allocated as the President, in his discretion, might decide.

I feel that it is my duty to point out to you that an examination of the amendment reveals that it will not accomplish the purposes intended. The appropriation will not be available for any of the purposes above enumerated, except increasing the personnel of the Bureau of Prohibition and the Department of Justice, nor will it be available for the conduct of an educational program which may have been contemplated.

The amendment as adopted provides funds for increasing the enforcement force. Granting that the language should be construed most liberally and in the light of the desired ends which the Senate was seeking to accomplish, I fear that the appropriation would not be available for more than an increased personnel.

This being true, an examination of the amendment clearly reveals the Secretary's contention. I shall, if the rule is defeated to-day, immediately seek recognition to offer the following substitute for the amendment:

For the enforcement of the eighteenth amendment, the national prohibition act and supplemental acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquors and narcotics, the sum of $24,000,000, or such portion thereof as the President may deem useful, to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, and Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned in accordance with existing law, and to remain available until June 30, 1930.

Now, Mr. Speaker and my colleagues, it is useless for such denunciation of men or organizations as are indulged in to-day. There are no finer groups of men or women in the world as a whole than the men and women who are working in the temperance organizations of this country. There may be and there are some on the official staff of those organizations who lose the vision of great service and ethical living, but that is true in all stratas of human life and endeavor.

I repeat, as a whole, they are characters of worth and their service ot the Nation is constructive and faithful.

Nor is it worth while to designate the men in our enforcing groups "snoopers, sneaks, and so forth." Again, while there are those who violate their oath and forget their purpose of service, thousands of these men are giving faithful, honest, and efficient service and that, too, in the face of almost without exception inadequate recompense. This service they render while in constant danger from the most dangerous class of law violators the Nation has ever known.

Mr. Speaker, I shall vote for the rule referring this matter to the conference committee realizing that there will be those without doubt as members of the conference who are leaders, recognized not only on this floor and in this body but throughout their State and Nation, in this matter of prohibition and law enforcement, and I am confident that their attitude as conferees will reflect a majority sentiment of the dry membership of this House.

Mr. IGOE. Mr. Speaker, my attitude on the question of prohibition is, I believe, well known, not only to the Members of this House but to my constituents as well. As one who conscientiously believes in personal liberty, I advocaed during my last two campaigns for office a modification of the Volstead law, and since I have been a member of this distinguished body I have continued my efforts in that direction, believing such action would at least partially restore to the citizens of this country their inalienable rights guaranteed them under the Constitution and would eventually eliminate the corrupt conditions now existing in practically every city, town, village, and hamlet within the boundaries of this great Nation.

It is my opinion that no law can be enforced unless it have the popular will of a majority of the people no matter what amount of money is appropriated or in whose hands the execution of the same is intrusted, especially when the appropriation is not asked for by the officials charged with the administration of such law.

The President has expressed his opposition to the $24,000,000 item for the reason it would conflict with his economy program. The Secretary of the Treasury has seen the futility of such an appropriation and has publicly denounced it on the excuse it is not needed. Doctor Doran, the Federal Commissioner for Prohibition, himself says that the great cause is in such a fix now that it would require a yearly appropriation of $300,000,000 and the establishment of a new and nation-wide system of Federal judiciary to enforce the Volstead Act. For five years every competent prohibition official in the service of the Government has declared that the annual appropriation is ridiculously inadequate and that instead of $30,000,000 a year $300,000,000 would be a more realistic estimate. What is the attitude of the aforementioned Government officials charged with the administration of the provisions of this ridiculous law, I ask? They seem to have a varied difference of opinion as to just what is needed to adequately care for the situation, and are, more or less, hiding behind a smoke screen. The facts are that all deep-thinking and fair-minded people of this country do not want this law enforced, and those intrusted with its execution are only lukewarm toward it. In view of this situation it is very evident that an appropriation of $24,000,000 will not materially relieve the outrageous conditions that confront us to-day.

I am, therefore, opposed to the Senate amendment to the deficiency bill for the reason: First, it would be a useless expenditure of the taxpayers' money; and, second, it has been encouraged and abetted by the members of the Anti-Saloon League, Bishop Cannon, Scott McBride, and others connected with the dry movement. These principal agencies of political activity on the part of the churches are:

The Federal Council of Churches, representing 28 denominations with 23,000,000 communicants, which specializes in pacifistic propaganda in opposition to military training and in lobbying against strengthening the Army and Navy.

The national conference of organizations supporting the eighteenth amendment, the recent amalgamation of 33 societies devoted primarily to maintaining and strengthening the national prohibition law.

The Methodist Board of Temperance, Prohibition, and Public Morals, an aggressive and influential propaganda and lobbying agency in the interest of prohibition and suppression of vice.

The Anti-Saloon League of America, the political machine functioning at the National and 48 State Capitals through which the churches brought about national prohibition and are now safeguarding the institution from modification.

The Church Peace Union and its subsidiary, the World Alliance for International Friendship through the Churches, another agency of the Protestant denominations for pacifistic propaganda.

These organizations alone expend more than $2,500,000 a year in their activities, while a multitude of affiliated organizations expend as much more.

With these various agencies organized as departments of their political activity, the churches are aiming to reduce the amount expended on national defense and to increase the amount devoted to the enforcement of prohibition. Millions for prohibition but not one cent for cruisers represents the attitude of the church lobby on the pending proposals to increase appropriations for prohibition enforcement by $24,000,000.

Through this appropriation these leaders of the so-called dry movement would expect to be called upon to suggest law-enforcement officers in sympathy with their motives to be placed on the pay rolls of the Prohibition Department. The statement was made on the floor of the House that only 60 per cent of the present force of over 2,000 field officers have been appointed pursuant to the civil service act applicable to the Bureau of Prohibition. Informal advices received from the Civil Service Commission indicate the examination recently held to determine eligibles for appointment as agents under the Prohibition Department will not be completed for a year or more. Therefore what are we to assume? That the remaining 40 per cent of vacancies are to remain vacant during this period or are temporary appointments to be made, thus enabling this organization to wield its influence in such a manner as to control these appointees.

I have heard it said repeatedly that the actions of the Anti-Saloon League could easily be likened to those of the gunman who meets a law-abiding citizen on the street, sticks a revolver to his head, and relieves him of his possessions. The only difference is, a gunman takes a chance with his own life, while these individuals are extracting money from the taxpayers without danger to themselves, under the guise of better civic government for the country.

Reference has been made to the last presidential election and the Members of the House have been admonished to keep faith with the American people. The statement was made that something like 15 per cent of the electoral vote of the last election has been interpreted by some as a wet vote and something like 85 per cent as a dry vote. Let me point out that scores of editorials from leading papers all over the country show that prohibition was defeated in the only two States having a chance to vote on it—Montana by 10,000, which gave Mr. Hoover about 26,000 majority, and Massachusetts by 250,000, which only gave former Governor Smith a majority of about 21,000. A complete analysis of the vote in the recent election will show that former Governor Smith received at least 3,500,000 more votes than he would have received if he had not favored modification.

I contend, therefore, the only real and logical way to enforce prohibition is to meet the will of the people and repeal the law now in force. The fanatics of Volsteadism uplift their hands in assumed holy horror. But I believe that the right of repeal is as sacred as the right of enactment. The organization of citizens for the purpose of bringing about, by legal means, the modification or repeal of any law which those citizens consider unwise or unenforceable I submit is commendable. It is the right of the free citizen to advocate the enactment of any law based on elementary morality, or the repeal or modification of any existing law, and to associate himself with others in that effort. It is also the right of the people to organize to oppose any law and any part of the Constitution with which they are not in sympathy. That is the very base of free speech and of our constitutional guaranties.

Let us then face the facts as we have them. Experience has taught us during the past few years that the prohibition movement is not in sympathy with the will of the people. The only alternative, then, is to relieve ourselves of that evil. Let us clean the slate. Repeal the eighteenth amendment and its accompanying act, and create new legislation that shall blot out utterly, for the welfare of our Government and of all our people, the terrors of prohibition. Let us have absolute repeal.

Mr. EDWARDS. Mr. Speaker, while there is nothing new in the arguments heard in connection with the proposed increase in the appropriation for enforcing the prohibition law, as would be effected by the Harris amendment, there is great interest in it. It is of more importance than the casual thinker would at first conclude. It is of interest to all.

It is a matter of general knowledge that those charged with the enforcement of the prohibition law have from time to time given "lack of funds" as an excuse for their failure to more effectively enforce the law. I am not one of those to admit the law is a failure, nor do I admit it is merely an experiment. It was never intended by those of us who framed the eighteenth amendment to the Constitution that it should be a failure or merely an experiment. I assert it is neither a failure nor an experiment. Great progress has been made in the comparatively short time the act has been in force and in it is a moral issue that will not down. Whether wet or dry, all admit the open saloon was an open shame and a menace to our civilization. While conditions are not now as ideal as they should be there is a marked improvement over the old conditions. None of us would turn back to conditions as they were prior to the eighteenth amendment. The most ardent advocate of rum has to admit its harmful effects upon those who use it habitually or to excess.

PEOPLE MUST BE EDUCATED

If prohibition was good and essential during the war, why is it not good and essential in peace time? If it is important to have sober citizens who can think sanely and safely during a period of war, is it not also important that our people be sober and able to think sanely and safely during an era of peace? There is nothing more important to a nation, especially our Nation, than the moral and physical welfare of its people.

No nation is stronger than its citizenship. A sober citizenship is much stronger than a liquor-debauched citizenship, with minds inflamed from the poisons of alcoholic beverages. There is no argument about this. The amendment offered in the Senate by the senior Senator from Georgia, Hon. WILLIAM J. HARRIS, would give an increase to the prohibition enforcement fund and would place it at the disposal of the President. This fund could be used in many ways to help carry on the important work of law enforcement. It could be used for educational work in educating the people of the Nation as to the harmful effect of strong drink, in building up stronger sentiment for law enforcement generally, and in an effort to build a better citizenship. It could be used to carry messages to the younger generations as to the importance of keeping the mind free from that which depletes the mental and physical being. It could be used to instill a loyal devotion among the old, as well as the young, to the Constitution of the United States. It can not be argued that educational work is not necessary, for only recently a man who was being interrogated in the courts of Washington as to his qualifications to serve on the jury frankly admitted he did not know there was any such thing as a prohibition law in the United States and admitted he had no knowledge whatever of what the eighteenth amendment to the Constitution is. In fact, I doubt if he knows that there is a Constitution at all. He is not alone in this. There are many others throughout the land who are as ignorant on it as he is. The light should be carried to them. A great many people violate the law through ignorance, while many violate it for the money they get out of it. One thing certain, there would be no sales if there were no consumers or buyers. When the people are educated, through temperance, when they fully realize the harm they do in helping some one else violate the law, there will be less drinking; and when the people know, especially the reckless young people, that they are harming and destroying themselves, as well as tearing the heartstrings of their parents and doing great harm to human society and to our Government, there will be still less drinking.

It has been said, and I expect with considerable force, that prohibition came at least 15 to 25 years sooner than it would have otherwise arrived through the temperance teachings that were being carried on. That it would have come sooner or later, despite the eighteenth amendment, there is no question. It was precipitated through war conditions that arose. Drinking was growing less each year. The good women and the temperance leaders were making great progress, and the harmfulness of strong drink was being stressed everywhere and many people were refraining from strong drink because they had learned it was bad for them.

CRIME MUST BE PUT DOWN

It is vital to the welfare of this Republic that its laws be respected and enforced. To admit that we can not enforce our laws is to admit a weakness that will destroy our Government, if it is true.

The prohibition question has never been a partisan question. It ought never to be a partisan question. It is a moral question. Some say it can not be enforced because it has not sufficient sentiment behind it. That is just the purpose of the amendment offered by Senator HARRIS, who is one of the outstanding drys of the Nation, to enable those charged with law enforcement to build up a healthy sentiment that will not only stand against law violations but will stand like a stone wall on all issues that make for the best interest and the substantial moral welfare of our Republic. Sentiment is swinging more

and more to respect for law and for law enforcement. People of sound thought, regardless of their views on the prohibition question as an issue to itself, are coming to the view that a more wholesome respect for law and for law enforcement must be built up. If we fail to enforce one law how long do you think it would be before highwaymen would be trying to break down the laws with respect to robbery? How long would it be before the world-wide monopoly, that fosters narcotic sales, would start the cry that a man has the right to buy and use narcotics, and how long would it be before sentiment is undermined with respect to that important law? No sane man who is a "dope fiend" wants to see his child develop into one. No drunkard wants his son to follow in his footsteps.

We must do the best we know, not for the present generation alone, but for generations yet unborn, and we must take a stand, as good citizens, on these moral questions as they arise. The milldam that holds back a great pond of water is strong and a thing to be admired, as it performs its useful purpose, yet if a little place is weakened and a trickle starts over it, a washing away and a weakening will take place, as it grows larger and larger, until a great wide break in the dam occurs. Then it is impossible to stop the flow. Our laws are a great bulwark. They can be likened to the strong milldam. Our laws hold back and prevent a great lot of crime. If permitted to be washed away with maudlin arguments about "personal liberty" and the like, the crime wave will become so large that it can not be controlled. The law has ever been the bulwark of our liberties. Our liberties are not lost because of law, but to the contrary, they are protected and guaranteed to us through and by law. The administration of the law, as to all classes, as to the rich and the poor, without favor or affection, should be enforced with equal justice and impartiality to all.

Dr. F. Scott McBride as well as Bishop Cannon have been misrepresented in the debate that has taken place on this question, and in fairness to Doctor McBride, I am inserting his statement in the RECORD as a part of my remarks, giving his position with respect to this amendment. Bishop Cannon's position is very much like that of Doctor McBride's.

The statement is as follows:

STATEMENT BY DR. F. SCOTT M'BRIDE, GENERAL SUPERINTENDENT ANTI-SALOON LEAGUE OF AMERICA, WASHINGTON, D. C., ON THE $24,000,000 APPROPRIATION FOR PROHIBITION ENFORCEMENT

I heartily approve of the appropriation of the fund passed by the Senate and the placing of this fund at the call of the President, to be allocated through the different departments having to do with prohibition enforcement. This can safely be used under a budget by the departments.

Following the dry victories of the recent election, it was a foregone conclusion that the dry Congress would give the President, who carries the responsibility for enforcement, what funds were necessary to aid him in the enforcement of the prohibition law.

In the very beginning of this discussion I publicly stated that the fund proposed should be accepted under a carefully prepared budget presented by the department. Later I called attention to the fact that the Secretary of the Treasury had not in his letter refused the appropriation, and that he had well said that some of the funds should be used in the Justice Department to give better court service; that other phases of the work he mentioned should be speeded up; and suggested that he go over the work and present a more intensive budget as a proper procedure.

I have never nor do I now favor making so large an appropriation to any one department, to be expended by that department head without a budget. That would be poor business. There can not, it seems to me, be any just objection to placing this fund at the call of the President, to be directed by him to the different departments having to do with prohibition enforcement. The amendment to the Harris amendment to this effect removes what legitimate objections there were to the original statement.

While the apparent politics involved prevented some of the leading drys from voting for the appropriation in the Senate, yet it need not do so in the House and in committee. The House, I think, should concur in the appropriation.

EVERY WET AGAINST AMENDMENT

As proof that my position is correct in this matter, aside from the dictates of my own conscience as to what is right, I assert, without fear of truthful contradiction, that every wet Democrat and every wet Republican, with the possible exception of one, and there are many wets in this House, voted against the amendment that gives the increased appropriation for dry-law enforcement. Now, why is this? Why are the wets all against it? The vote was not on the amendment itself but on the gag rule the Republican Rules Committee brought in here with which to avoid a vote on the question. Many have taken refuge behind this rule as a blind, but the question is, Will the people not peep behind the blind?

A STRONG APPEAL

The liquor forces are ever alert and active. Every method is being used that can be commanded by them to discredit temperance and prohibition. Many drys have been misled into voting against the Harris dry amendment because they say it costs too much. If prohibition can be enforced and established in theory and practice in the United States, its value to this Republic and the world can never be measured in dollars and cents. It will be worth all that it may cost.

I have a letter inclosing a resolution adopted by the College of Bishops of the Methodist Church South, which is a great body of good men, making a strong appeal, and, as a part of my remarks, I am inserting it in the RECORD, because it is along the right line and should be read far and wide. It is as follows:

BOARD OF TEMPERANCE AND SOCIAL SERVICE,
METHODIST EPISCOPAL CHURCH SOUTH,
Washington, D. C., January 25, 1929.

DEAR CONGRESSMAN: We are inclosing copy of action taken by the College of Bishops of the Methodist Episcopal Church South, at Memphis, Tenn., on January 1, 1929.

Cordially,

JAMES CANNON, Jr., *President.*
EUGENE L. CRAWFORD, *Secretary.*

MESSAGE TO THE CHURCH

We would bring to our people another exceedingly important matter. The people of the United States have by the method prescribed in the Constitution branded the traffic in intoxicants as criminal. Therefore we would strongly emphasize that while effective enforcement of the eighteenth amendment at whatever expense of men and money must be the persistent aim of the legislative, judicial, and executive branches of both Federal and State Governments, it is the unquestionable duty of all patriotic citizens, and especially of all affiliated with the churches, to be exceedingly scrupulous in their personal observance of the prohibition law.

We call upon our Christian citizenship to give hearty, active, and continuous support to all proper methods and agencies to promote total abstinence and prohibition observance. We urge our pastors, Sunday school, and social workers to adopt and put into effect an adequate educative program to develop a steady growth of public sentiment in behalf of temperance and the observance of the prohibition laws among all our people. It is a significant and important fact that the bootlegger can be quickly put out of business when all the people of reputable standing cease to patronize him.

We also most respectfully and earnestly appeal to the secular press of our country—daily, weekly, and monthly—that it emphasize more frequently the good results which do and would follow the acceptance and observance of the prohibition law, which law is fundamentally simply an effort of organized society—that is, the State—to protect itself and to promote the general welfare by the restriction of the admittedly unnecessary and frequently hurtful indulgence of the appetite of the individual citizen. Furthermore, as nearly all the countries in the world are now grappling with the same evils which are inherent in the traffic in alcohol, it is vital that our own country should make effective the law which it has adopted after so many years of experiment and labor.

W. A. Candler, Collins Denny, Edwin D. Mouzon, John M. Moore, W. F. McMurry, U. V. W. Darlington, H. M. DuBose, W. N. Ainsworth, James Cannon, jr., W. B. Beauchamp, Sam R. Hay, Hoyt M. Dobbs, and H. A. Boaz.

AMERICAN INSTITUTIONS MUST BE PRESERVED

Some assert that the wave of lawlessness and the disrespect for law is the outcropping of lawless elements that have slipped into this country from other lands. It is not all due to that cause. We find far too many of our native stock as defendants in the criminal courts. Far too many American youths are developing into criminals. The home training is lacking, I fear, in many cases. It is a matter of serious concern, and men who think soberly are trying to find the real cause. Whatever it may be, it should be remedied. Too many people from good families are in the chain gangs and penitentiaries of this country. There must be a check to crime, and the check in some measure can be effected in the way these good bishops have indicated. A healthy sentiment for law and order must be built up and maintained. Every good citizen should do his part. The welfare of our Republic and our liberties are at stake. The immigration laws should be tightened up and everything else done that needs to be done to check the rising tide of crime that is sweeping the country. The prohibition law is not the only one being violated. It is not the cause of the crime wave either as some utterly thoughtless and reckless wets would have us believe. But for the prohibition law no one can even surmise how serious conditions would have been during this inexplainable crime wave. It is safe to say conditions would have been many times worse than they are. Regardless of the cost, this crime wave must be ended. I think much of it can be cured in the homes and the schools.

The mothers of the land, always powerful in their Godly influence, should bend their efforts as never before in the making of better men and women of their sons and daughters, and all of us should lend a helping hand in this work that is so vital to our country.

Mr. MORROW. Mr. Speaker, I followed with keen interest the debate in the Congress upon the amendment made by Senator HARRIS to the deficiency appropriation bill, said amendment providing for $24,000,000 to enable the President to determine methods for the enforcement of prohibition.

The majority party in the House decry this move as a Democratic move to rehabilitate Democrats who lost in the last election with their party again. Still the Republicans pose as the dry party now, just as they did in the election which has passed into history.

Had prohibition been the sole issue in the campaign now history, in my opinion, a somewhat different verdict would have been rendered. In much of the country the issue spoken aloud was prohibition, but the issue whispered was religion, and that un-American spirit, coming from people whose intelligence as to the knowledge of what constitutes a Christian and the doctrine of religious freedom in America was prejudiced, had a very telling effect upon the election in the interest of the Republican nominee.

Let us study the question of prohibition as to honest, impartial enforcement of the present law, and in so doing the conclusion must be that from the conditions existing in the Nation that the administration of the same is either incompetent or corrupt.

There should be some method vigorously put in force by investigation by some committee with sufficient funds and power to determine impartially what is wrong. That failure exists in many cities and other localities, where either there is no real effort at enforcement or the question of politics is a controlling factor, is apparent.

The enforcement of prohibition by an orderly and intelligent method would, if the same can be accomplished, be one of the greatest blessings that could come to humanity.

This not only applies to the United States but likewise applies to all other countries where alcoholic liquor is manufactured and used as a beverage. In my opinion, in order that this be brought about we must again go back to the educational feature which was dropped and the law of force started and now by corruption many of the officers of the law have been debased through the ill-gained money of the bootlegger until a considerable percentage of the Nation has become violators of the law.

The corrupt ring of bootleggers in every city in the United States at this time is an example of the manner in which prohibition has been enforced. The argument of those in power, and under whose control the enforcement is delegated, is that there is no proper program whereby this money can properly be expended successfully. The answer is—what has the party in power been doing during the eight years that it has been charged with this enforcement? What has the Secretary of the Treasury been doing in his organization of the Prohibition Unit? If he has not mapped out a program in eight years, and he is to be continued under the incoming President for four years more, surely unless the necessary funds are supplied the President-to-be after March 4 so that he can plan a program of enforcement, there must be admission by the party that now controls the reins of Government that prohibition is a political blind behind which they can hide and still win by a subterfuge and deception of the citizenship of the country.

It is admitted by the Secretary of the Treasury that there is great congestion in the courts on account of the vast amount of prohibition cases pending. This indicates that violations are becoming so numerous that many new courts must be established to handle the violations, which means additional judges and prosecutors. It would appear reasonable then that funds are needed, and needed badly, in order that we have a temperate Nation which our intelligence should justify.

The conditions existing justify Congress in thoroughly investigating prohibition enforcement in the Nation at this time, and placing the blame where it belongs, for the lack of law enforcement.

That existing conditions must call for drastic and unwarranted legislation, such as is demanded in the State of Michigan, which has become the most rabid State in its laws for violation of the eighteenth amendment, is deplorable. That State is demanding a penalty for violation of the liquor law of a sentence to the penitentiary for life; such legislation now is strongly opposed by the Republican governor, and he is threatening to veto the act if it is passed. This same State sent a poor, ignorant woman to the penitentiary for life for a third conviction. It is my belief that just such arbitrary, drastic, cruel power is what will cause the public to lose confidence in the purposes of the law. I want to say that I am a believer in the education of our people to the need of temperance in the Nation. Let us examine the thought of some of the real students of prohibition, and likewise note the faulty and wrong spirit prohibition has brought to the people of our country.

The head of the National United Committee for Law Enforcement says:

> The liquor law is being nullified from one ocean to another * * * homes are being converted into stills and wildcat breweries; stores of every variety are being camouflaged into places of distribution as substitute saloons. * * * And yet, while America burns with alcoholic eruptions and the handwriting flashes on the wall, Congress fiddles and splits hairs over a penny-ante appropriation in defense of the Constitution.

That same committee sends an "emergency message to the House," and states in part:

> A MANDATE TO ENFORCE
>
> The country has spoken in emphatic terms on the issue of prohibition. It selected a candidate committed by platform and speech of acceptance to the effective enforcement of the eighteenth amendment by approximately 7,000,000 majority.
>
> The verdict of the people should be binding upon Congress as well as the President. The President has made known his policy of a fact-finding investigation and enforcement and ought to have the support of every patriot in Congress and out, until the prohibition policy has had a fair and impartial trial. For this reason we stand committed to hold up the hands of the President elect, and believe that he should have at his disposal, upon induction into office, a sufficient sum of money or "such part thereof as the President may deem useful * * * to be allocated as he may see fit."
>
> If such fund is not provided by the present short session, under the projected plans for an extra session, funds for the scientific investigation and enforcement of prohibition favored by the President elect will not be available for months to come, as there would be no machinery to appropriate such money.
>
> We are sure that the House would not wish thus to hamstring and hobble President Hoover. For this reason we favor the bill with one important and vital change.

Thus, when it is claimed by many writers and men who have studied the prohibition question that the use and sale of alcoholic and bootleg liquor is being used to-day in a greater amount than during any period since the enactment of the eighteenth amendment and the Volstead Act, and that criminals are being created by the sale of bootleg liquor, it is time that definite action be taken.

When those who supported the Republican candidate for President are claiming that an unprecedented victory was won on the prohibition issue, it would appear to me that the amendment should be adopted, which places in the hands of the President sufficient funds for the carrying forward of the enforcement of prohibition, if it can be enforced, and which gives him full discretion to plan a program for such enforcement of the eighteenth amendment.

FEDERAL PENAL AND REFORMATORY INSTITUTIONS

Mr. COOPER of Ohio. Mr. Speaker, I am directed by the special committee which was appointed to make a survey and investigation of all of our Federal penal institutions to present its report to Congress.

The SPEAKER. The gentleman from Ohio presents a report, which the Clerk will report.

The Clerk read as follows:

Mr. COOPER of Ohio submitted a report from the Special Committee on Federal Penal and Reformatory Institutions.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. COOPER of Ohio. Mr. Speaker, I would like permission to have the report which I just sent to the Clerk's desk printed in the CONGRESSIONAL RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the report referred to may be printed in the CONGRESSIONAL RECORD. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, may I inquire as to how many pages are in the report?

Mr. COOPER of Ohio. Only eight pages.

The SPEAKER. Is there objection?

There was no objection.

The report referred to follows:

JANUARY 31, 1929.

Hon. NICHOLAS J. LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.:

The following report of the committee appointed pursuant to House Resolution 233, Seventieth Congress, first session, is hereby submitted.

Resolution No. 233 reads as follows:

"*Resolved*, That a special committee is hereby created, to consist of five Members of the House of Representatives, to be appointed by the Speaker. Said special committee is authorized and directed to hold hearings and to obtain all available information from dependable sources relative to Federal prisoners confined in Federal, State, county, and municipal prisons and jails; the care of such prisoners as to housing, food, health, recreation, work, discipline, classification, medical treatment, and other pertinent facts; the rates of compensation paid for maintenance and board of such prisoners, the services rendered for such compensation, and the beneficiaries of such compensation; and the need for additional Federal penal and reformatory institutions to take care of the Federal prisoners.

"Said special committee is further authorized and directed to make a survey of the employment of prisoners in the penal and reformatory institutions of the United States and of the several States; to gather information and statistics from reliable sources of the amount and kind of goods, wares, and merchandise manufactured, produced, and mined in such institutions; to ascertain to what extent such goods, wares, and merchandise come into competition with goods, wares, and merchandise manufactured, produced, and mined by free labor; and to determine how such prisoners can be employed regularly and in what manner the goods, wares, and merchandise manufactured, produced, and mined by such prisoners can be best disposed of with the least disadvantage to free labor.

"Said special committee is authorized to sit in Washington or any other convenient place, to administer oaths and affirmations, to send for persons and papers, to employ necessary clerks and stenographers, the latter to be paid at a cost not to exceed 25 cents per 100 words, and said committee shall make a report to the House of Representatives of its findings, conclusions, and recommendations for legislation on or before the first Monday in February, 1929, and may prepare bills to carry out its recommendations for reference to the proper committees of the House of Representatives. The expenses attendant upon the work of said committee shall be paid out of the contingent fund of the House of Representatives upon vouchers authorized by said committee and signed by its chairman, but such expenses shall not exceed the sum of $20,000."

In the beginning the committee wishes to express its appreciation for the assistance rendered it in its survey of the situation and its hearings by Capt. A. H. Conner, the superintendent of prisons, and his staff at Washington and at the institutions; by Mr. Herbert D. Brown, Chief of the Bureau of Efficiency, and his organization, including Mr. J. B. Bennett, Dr. Amos W. Butler, and Joseph W. Sanford; by Dr. Hastings H. Hart, consultant in delinquency and penology of the Russell Sage Foundation; and by Maj. Sidney Brewster, assistant to the commissioner of corrections of New York City, and other witnesses who met with the committee at its hearings.

FINDINGS OF THE COMMITTEE

MAGNITUDE OF THE FEDERAL PENAL PROBLEM

Immediately after the committee began its work the magnitude and complicated nature of the problems covered by House Resolution 233 became apparent. For the fiscal year ending June 30, 1928, there was an average daily population of Federal prisoners in the United States of 18,606. For the past 10 years the Federal prison population has increased at an average rate of about 10 per cent a year. Federal prisoners are confined in the three penitentiaries located at Leavenworth, Kans., Atlanta, Ga., and McNeil Island, Puget Sound, Wash. In the penitentiaries are confined most of the Federal prisoners sentenced for more than one year. The United States Industrial Reformatory at Chillicothe, Ohio, on the old Camp Sherman military reservation has been established and construction commenced. The Industrial Institution for Women at Alderson, W. Va., has been completed. About 150 Federal male convicts are assigned to a road camp engaged in construction work at Alderson. Juveniles convicted of violating the Federal penal laws are sent to the National Training School for Boys in the District of Columbia. In addition to the number confined in these institutions, there was, during the fiscal year 1928, an average daily population of 9,658 persons serving short sentences or awaiting trial in some 1,100 State, county, and city jails throughout the country.

The office of the superintendent of prisons in the Department of Justice supervises the care and treatment of all Federal prisoners and is also responsible for the expenditure of over $8,000,000 annually. The maintenance and operation of all these institutions involve perplexing questions not only of physical care and discipline of the inmates but also problems connected with the operation of prison industries and the proper application of the technical sciences of penology and criminology.

The committee believes that the superintendent of prisons and his staff and the wardens and superintendents of the Federal penal and correctional institutions are doing the best they can under the existing circumstances.

CONGESTED CONDITIONS

The committee found that a very serious crisis confronted those who were administering the Federal penal system. Due to the lack of a proper program and to the tremendous increase in the number of persons arrested, convicted, and committed for violations of Federal penal laws, the penitentiaries are overcrowded with those sentenced to prison for more than one year. The committee also observed in all the county and municipal jails it visited that there was overcrowding and idleness. It also has received information which leads it to believe that these same deplorable conditions exist in many of the 1,100 local jails where short-term Federal prisoners are confined. The committee also found that the Federal Government has no power to remedy the conditions in these local jails in which persons convicted of offenses against the United States are confined, and has little or no control over their discipline, employment, or general care.

The committee found that the Leavenworth Penitentiary now has within its walls more than twice the number of prisoners it is able to accommodate. The normal capacity of the Atlanta Penitentiary is 1,712, and upon the day the committee visited it there were 3,107 prisoners in the institution. In both of these institutions there exists the vicious practice of "doubling-up," or placing two prisoners in single cells. Men are sleeping in dark, ill-ventilated basements, and corridors; improvised dormitories are in use; the kitchen and mess facilities are overloaded to more than twice their proper capacity. Not only do these institutions house more than can properly be accommodated but they have now almost reached their absolute physical capacity, and the committee does not see how any further prisoners can be jammed within their walls. The committee also found that no more prisoners should be confined in the McNeil Island Penitentiary, not only because it has reached its proper physical capacity but also because of the remoteness of its location in one corner of the country, far from the center of commitments, and because of the impossibility of securing sufficient fresh water. Only at the new Federal Industrial Institution for Women at Alderson, W. Va., did the committee find sufficient facilities for the proper care of the Federal prisoners committed to that institution. Temporary structures are being used to house Federal prisoners sent to Chillicothe, Ohio, pending the carrying out of a permanent building program. This program has been authorized by Congress and partly appropriated for. The work on this should go forward as rapidly as possible, and Congress should see that the funds are available for this purpose.

EMPLOYMENT OF FEDERAL PRISONERS

About 850 out of the average daily population of 3,149 for the fiscal year ending June 30, 1928, at the Atlanta Penitentiary are employed in the fabrication of canvas duck and the manufacture of canvas baskets for the Post Office Department. There are a considerable number of the inmates who are engaged in the maintenance and operation of the institution and about 200 are employed on the farm, but hundreds of the prisoners at Atlanta are in idleness or semi-idleness.

The only industrial activity at the Leavenworth Penitentiary consists of shops to manufacture shoes, brooms, and brushes for the Indian Service and certain other Government departments and for the inmates of the Federal penal institutions. At Leavenworth most of the prisoners are employed part time, but there is insufficient work to keep the prisoners properly engaged during ordinary working hours.

CONDITIONS IN NONFEDERAL INSTITUTIONS

Persons convicted or held for violations of United States statutes are committed not only to the Federal penitentiaries previously mentioned but are also sent to county and municipal jails, workhouses, and lockups. A few are boarded by the Federal Government in State institutions willing to accept them. In some non-Federal institutions, especially many county and city jails, the conditions are most deplorable. Many of these jails are congested just as badly as are the Federal penitentiaries at Leavenworth and Atlanta, and in most of these jails there is no provision for employing the prisoners. There is in many places no separation of the guilty from the innocent, the sick from the well, the young from the old, or the hardened criminals from impressionable first offenders. Federal prisoners are simply boarders in penal institutions and jails which are not subject to any but informal control of the Federal prison authorities. Therefore the Federal prison authorities have been powerless to remedy the conditions affecting these prisoners and persons held awaiting trial or as witnesses. The committee found that the Department of Justice pays rates of compensation for the board and maintenance of these prisoners varying from 20 cents to $1.25 a day.

USE OF PRISON-MADE GOODS

The law prohibits goods, wares, and merchandise made in Federal prisons from being sold on the open market. Goods produced in the Federal institutions must be disposed of only to the Federal Government and thus only come into indirect competition with free labor and private industry. The committee did not attempt to make any survey of the employment of prisoners in non-Federal prisons and the disposition of goods produced by such prisoners, because it felt that full information on this subject was obtained in connection with the hearings of the Committee on Labor of the House of Representatives on the Cooper bill, H. R. 7729, which divests prison-made goods, wares, and merchandise of their interstate character.

RECOMMENDATIONS

Congestion in the Federal penitentiaries and other institutions in which Federal prisoners are held makes it impossible to develop, under existing conditions, a satisfactory method of housing, segregating, classifying, employing, or properly caring for Federal prisoners. It is the judgment of the committee that none of these other problems can be adequately solved until the existing congestion in the institutions can be relieved, and, therefore, the committee considered it of primary importance to secure information as to how this gross overcrowding can be quickest and best remedied.

1. Administration of prison system: For the first hundred years following the establishment of the Federal Government little concern was felt for the relatively few persons who were convicted of violation of Federal statutes. They were boarded in local jails and State prisons with only nominal and incidental supervision by the Federal Government. In 1872 jurisdiction over Federal prisoners was transferred from the Department of the Interior to the Department of Justice where it has been since that time. The administration of the prison system has been in that department of the Government which is primarily responsible for the prosecution of law violators and the interpretation of the laws of the Nation. While the Attorney General is now charged with primary responsibility, the superintendent of prisons is actually in charge of Federal prisons and prisoners. The office of the superintendent of prisons is only a small division in the Department of Justice, and this committee recommends that in view of the extent and importance of its work it be made a major bureau in said department and that the superintendent of prisons be given an adequate organization to assist him.

2. Extension of the probation system: The committee has come to the conclusion, after giving the matter very careful thought, that the best method of promptly relieving the deplorable congestion in the Federal penitentiaries and in local jails where Federal prisoners are held would be to extend the Federal probation system. This is also the unanimous judgment of all criminologists and experts who have studied the subject. There are at present only six Federal judicial districts out of a total of 92 in which there are probation officers. In response to a recent questionnaire sent to the United States district judges by the superintendent of prisons' office the judges replied that a large number of persons convicted in their courts for violation of Federal statutes and now in various institutions might have been placed upon probation had they the means and personnel to investigate their character and trustworthiness. The actual out-of-pocket cost of maintaining Federal prisoners is about 83 cents a day at the present time. If the probation system had been in operation and these men placed on probation instead of being sent to prison there would have been a large saving in the cost of maintaining Federal prisoners in penitentiaries and jails. This would also have been a great benefit to society as a very large number of these men would be rehabilitated under the probation system. The committee believes that Congress should immediately provide funds to pay the salaries and expenses of probation officers as fast as they can be properly selected. The committee also believes that in view of the fact that these probation officers are selected by the Federal judges and act as personal advisors to the courts in matters of the greatest importance and the highest confidence, it would be advisable to give the judges the power to appoint such probation officers outside the civil-service limitations.

In this connection the committee believes that the entire Federal parole system should be altered. At the present time the law provides that the parole boards shall be composed of the superintendent of prisons, the penitentiary warden, and prison physician. This is an unfair and unwise burden to place upon these officials. Practically all of the States have established independent parole boards, relieving the wardens and local physicians from service upon such boards and the committee believes that a law should be enacted by Congress establishing such a board and giving it full authority to act on parole applications without requiring the approval of the Attorney General.

3. District of Columbia prisoners: At the time the Federal penitentiaries were visited by the committee there were 473 prisoners in the Atlanta and Leavenworth Penitentiaries committed from the District of Columbia for violations of strictly District of Columbia penal laws. These prisoners were sent to the already congested Federal penitentiaries because the District of Columbia prison authorities were unable to take care of them at the District Reformatory at Lorton, Va., where there is no walled inclosure or other sufficient facility to hold desperate prisoners. The committee understands that the District of Columbia has established a reformatory without the physical restraints and bars against escape usually found in penitentiaries and the Lorton reformatory is being developed along these lines. While this may be a desirable goal the committee is of the opinion that the District of Columbia should be required to provide adequate facilities to take care of all classes of its prisoners.

4. Military prisoners: There are at present confined in the Federal penitentiaries 177 military prisoners. When the committee visited Leavenworth it inspected not only the civil penitentiary but also the United States military barracks located only a short distance from the penitentiary. It found that there was ample room in these barracks to take care of all military prisoners and the committee recommends that there be transferred immediately to these disciplinary barracks all military prisoners now incarcerated in the civil penitentiaries and that in the future no more military prisoners be accepted in the already overcrowded civil penal institutions. The disciplinary barracks at Leavenworth has ample facilities for segregation and classification of all classes of military prisoners. At the present time the number of military offenders being sent to the military barracks is decreasing, due to a ruling of the War Department that wherever possible soldiers sentenced for minor infractions of the military regulations be confined within the respective corps areas in order to save transportation expenses.

5. Age limits at Chillicothe: The committee believes that it will be helpful in relieving congestion in the Federal penitentiaries and also make it easier to administer the United States Industrial Reformatory at Chillicothe, Ohio, if the minimum age limits for admission to that institution be removed. The law at present provides that only prisoners between the ages of 17 and 30 may be admitted to Chillicothe.

6. Narcotic institutions: Congress has passed the Porter bill (H. R. 13645) providing for the establishment of two institutions for the care of persons addicted to the use of habit-forming narcotic drugs. Nearly 30 per cent of the persons in the Federal penal and correctional institutions come within this category, and the establishment of these institutions will offer considerable relief from the existing congestion in the penitentiaries. The committee feels that the need for these institutions is immediate and pressing and that every effort should be made to expedite their establishment.

7. Establishment of road camps: Congress has before it a bill (H. R. 11285) which permits the utilization of the labor of Federal convicts in the construction of roads and other improvements on Federal reservations. If this bill becomes law it will assist in relieving the congestion at the Federal prisons and help in the solution of the employment problem. The committee believes that this bill should be given early consideration.

8. Employment problem in Federal penal institutions: The committee believes that every effort should be made to provide increased opportunity for employment of Federal prisoners.

A start toward providing employment for prisoners has been made at the Leavenworth Penitentiary, where there is a shoe factory and brush and broom factory in operation, and at the Atlanta Penitentiary, where there is a textile mill engaged in making cotton duck for Government mail sacks. At Atlanta there is also a shop where men are employed in making canvas baskets for the Post Office Department.

It is the committee's judgment that immediate steps should be taken to establish additional shops in the penitentiaries and other Federal penal institutions to make additional goods and articles which could be utilized by the United States Government. There is no doubt but that there is an ample market in the Federal Government for a sufficient quantity and variety of goods to keep all Federal prisoners employed.

The law under which the cotton-duck mill was established at Atlanta provides not only that cotton duck but also all of the mail sacks used by the Post Office Department in excess of the quantity being manufactured by the Post Office Department mail-sack shop in the District of Columbia at the time the law was passed be made at the Atlanta Penitentiary. The committee believes that this law should be immediately carried into effect and that there should be no further expansion of the Post Office Department mail-sack shop.

There have been sufficient funds earned by the prison industries at Atlanta to provide the funds for the construction of an additional building at once within the walls of the Atlanta Penitentiary, in which may be housed further employment activities, and the committee recommends that a sufficient amount of this money be made available for this purpose at once. The committee further recommends that necessary legislation be enacted giving the Attorney General general authority to establish additional industries in all of the Federal penal institutions. There will be no need for a separate appropriation for each proposed additional prison industry if the existing working-capital funds and the earnings of the present industries may be utilized by being consolidated into one working-capital fund.

9. Supervision of non-Federal institutions.—During the fiscal year ending June 30, 1928, there was an average daily population of Federal prisoners in county and local jails and other non-Federal institutions of 9,658, or slightly more than half of the total Federal penal population. In order properly to supervise the care of the Federal prisoners in these non-Federal institutions the committee recommends that the law be amended, making it possible for the classification of these institutions to accord with the services rendered by them to Federal prisoners. Under the present law the Attorney General may pay only for the cost of the actual and necessary subsistence of Federal prisoners in non-Federal penal and correctional institutions, and this law has been construed as preventing the payment for the care and maintenance of Federal prisoners in accordance with the quality and extent of such care and maintenance. This law should be amended accordingly.

The superintendent of prisons' office has only two inspectors to supervise the 1,100 non-Federal institutions in which Federal prisoners are held. Obviously this is an impossible situation and the committee recommends that funds be provided immediately by Congress to pay for a sufficient number of inspectors to inspect regularly all State and local institutions in which Federal prisoners are held, to the end that the Federal prisoners in local jails actually receive the items for which the Federal Government pays, and to assist in raising the existing standards of these institutions.

10. Additional institutions: The committee believes that under no circumstances should the existing Federal penitentiaries at Leavenworth, Atlanta, and McNeil Island be enlarged to accommodate more prisoners, but that as quickly as possible the prison population in Leavenworth and Atlanta be reduced to not more than 2,000 in each prison. Only in this manner can the vicious practice of placing two prisoners in cells designed for one be ended. The committee can not too strongly condemn this practice. The committee believes further that there should be two additional penitentiaries established as soon as possible. One should be in the northeastern part of the country, located as near as possible to the center of commitment from the Federal courts, and the other at such place as a board of experts may determine.

The committee also believes that there should be established a hospital for the care of the criminal insane with 500 beds as a beginning, to which could be transferred the criminal insane now located at St. Elizabeths Hospital in the District of Columbia as well as those prisoners requiring psychopathic treatment now held in the various penal institutions. We also recommend that all prisoners on their admission to Federal institutions be given a psychopathic examination.

The committee also believes that it is necessary to establish in the immediate future jails and workhouses for Federal prisoners in several of the more congested centers of population. The first step in this direction has already been taken, as the Federal Government has been compelled to establish a Federal detention jail in New York City owing to lack of facilities because the New York City authorities are no longer able to provide accommodations.

The committee earnestly urges:

1. That the narcotic institutions already authorized be appropriated for and constructed as rapidly as possible.

2. That two new penitentiaries and a hospital for the criminal insane be authorized as soon as possible.

3. The reformatory at Chillicothe, Ohio, should be pushed to completion.

4. That the Federal jails or workhouses to care for short-term and detention prisoners be authorized at New York City, Boston, Philadelphia, Baltimore, Cleveland, Cincinnati, Chicago, St. Louis, San Francisco, and such other places as the need from time to time shall require.

The prison problem is daily becoming more acute and there is an average increase in sentence of prisoners of 10 per cent per year. Even the most prompt building program will have difficulty in keeping up with the prison population. Responsibility for determining the type of institutions to be established, their location, and their priority should be placed squarely upon the executive branch of the Government.

Legislation carrying out the recommendations of this committee, in so far as it is required, will be promptly presented to the Congress, and we urge its immediate passage.

Respectfully submitted.

JOHN G. COOPER, *Chairman.*
W. F. KOPP.
JOHN TABER.
JOHN J. BOYLAN.
THOS. M. BELL.

NAVAL APPROPRIATIONS

Mr. FRENCH. Mr. Speaker, I ask that the Clerk read from the desk a statement by myself by way of a supplemental report on the naval appropriation bill.

The SPEAKER. Without objection, the Clerk will read the statement.

There was no objection.

The Clerk read as follows:

STATEMENT BY MR. FRENCH

The House on January 28, 1929, adopted House Resolution No. 278, requiring in connection with a reported bill or joint resolution that the House be advised with respect to any proposition in such measures to repeal or amend any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a clear indication of the respect in which modification is proposed.

The report on the naval bill (H. R. 16714) was sent to the Printing Office on the day House Resolution No. 278 was adopted. Hence, it was not practicable for the committee to comply with the terms of the new resolution in the report.

In compliance with the new rule I submit herewith a statement indicating wherein H. R. 16714, the naval appropriation bill, contrasted with the naval appropriation act for the current fiscal year, changes or modifies existing law, and I ask that the same be printed in the RECORD as part of my report.

Mr. SNELL. Mr. Speaker, what is the report that has just been read?

The SPEAKER. The Chair understands it is a supplemental report on the naval appropriation bill.

Mr. FRENCH. It is; and I would like to have printed in parallel columns the proposed change and the law as it now is.

The SPEAKER. The gentleman desires to have that printed in the RECORD?

Mr. FRENCH. I desire that it be printed for the information of the House.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Is the gentleman going to have his bill show those provisions that are not authorized by law, if there be such?

Mr. FRENCH. The matter that I desire to have printed is in compliance with the new rule and will show proposed language in the bill and the language of existing law that may be amended.

Mr. BANKHEAD. The gentleman assures us there are no provisions in the bill that are not based upon existing law?

Mr. FRENCH. Not so far as I am aware; the change of language clarifies rather than changes the law.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The matter referred to follows:

H. R. 16714	EXISTING LAW
On page 12, lines 3, 4, and 5 the following clause appears, the italicized matter being new: "and for transporting members of such corps to and from camps, *ships, or other designated places of instruction.*"	The Naval Reserve Officers' Training Corps, established by the act of March 4, 1925 (U. S. C. 1137, sec. 821), requires that it be operated, as far as practicable, in conformity with the Reserve Officers' Training Corps of the Army. Such law (U. S. C. 185, sec. 441) provides that— "The Secretary of War is hereby authorized * * * to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit * * *."

REREFERENCE OF A BILL

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that H. R. 16724, introduced yesterday and referred to the Judiciary Committee, be rereferred to the Committee on Claims. I have spoken to the gentleman from Missouri [Mr. DYER], of the Committee on the Judiciary, and that is agreeable to him. There is every reason why the bill should go to the Committee on Claims, because it relates to a series or kind of claims which are regularly coming up one at a time before the Claims Committee, and which the House has uniformly approved, recognizing an obligation to those who were injured in citizens' military training camps and other military camps. This bill provides that all such cases be referred to the United States Employees' Compensation Commission, as are similar claims for injuries at naval training stations under the provisions of the present law.

Mr. GARRETT of Tennessee. Where does the bill belong under the rules?

Mr. ROY G. FITZGERALD. It goes, in the opinion of the parliamentarian, under the rules, to the Judiciary Committee.

Mr. GARRETT of Tennessee. If it belongs to that committee under the rules——

Mr. ROY G. FITZGERALD. At least it might belong there, at least under one interpretation; and I am trying to state now the reason why the present bill should properly go to the Committee on Claims in this instance. If any member of the Committee on the Judiciary objected, of course, I would not press the request, but I would like to tell why this bill ought to go to the Claims Committee.

Mr. GARRETT of Tennessee. If the gentleman will permit——

Mr. ROY G. FITZGERALD. Certainly.

Mr. GARRETT of Tennessee. Of course, just the members of the respective committee can not and ought not to determine this matter by agreement among themselves. The whole House is interested, at least theoretically, in the proper reference of bills. If this bill properly belongs, under the rules of the House, to the Judiciary Committee—I know nothing in the world about it myself—but if it properly belongs to the Judici-

ary Committee, of course, it ought to remain within the jurisdiction of that committee. A change like this, of course, would establish a precedent.

Mr. ROY G. FITZGERALD. I would not concede that it belongs to the Judiciary Committee, but the parliamentarian thought it did and rather than question that I thought this was the fair way to present the question to the House with the reasons why it ought to go to the Claims Committee. By this course the jurisdiction of the Judiciary Committee is not questioned and no precedent affecting jurisdiction is set. The Claims Committee is taking up these claims one at a time and it is a waste of the time of both the committee and of the House, since it is the policy of Congress to compensate on the basis of the United States employees' act the young men injured in military and naval training, there seems to be no reason why the cases from the military camps may not be referred directly to the commission as are the naval claims for injuries under a general law..

The Claims Committee is the only committee concerned in the matter practically. It is seeking no new jurisdiction, but rather to repair an inequality or lack of uniformity in the general law which causes it—the Claims Committee—needless work and wastes the time of the House.

I might suggest that the bill with provision for the protection of naval trainees come from either the Appropriations or the Naval Affairs Committee.

The SPEAKER. The Chair would suggest to the gentleman from Ohio that he defer his request until to-morrow as the Chair would like to look into the matter.

Mr. ROY G. FITZGERALD. I will defer the request, Mr. Speaker.

Mr. DYER. Mr. Speaker, I would like to state that the gentleman from Ohio stated he had spoken to me about this matter, which he did, and I stated I had no objection myself, as a member of the Committee on the Judiciary; but I was not speaking for the committee itself or for the chairman, but only for myself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. VINCENT of Iowa, at the request of Mr. KETCHAM, for the day, on account of illness.

Mr. HUGHES, for three days, on account of death in his family.

Mr. KENT, at the request of Mr. BOX, on account of pressing business.

Mr. BOHN, at the request of Mr. MAPES, for five days, on account of important business.

Mr. KUNZ, idefinitely, on account of illness.

Mr. GREGORY. Mr. Speaker, I desire to ask unanimous consent for leave of absence for my colleague the gentleman from Kentucky [Mr. GILBERT], who has been called home on account of serious illness in his family.

The SPEAKER. Without objection, granted.

FEDERAL PENAL AND REFORMATORY INSTITUTIONS

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the report just made by the Committee on Penal Institutions.

Mr. LaGUARDIA. Is it a minority report?

Mr. BOYLAN. No; it is not a minority report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOYLAN. Mr. Speaker, although the committee did not see fit, for very good reasons, to include the subject I am about to discuss in its formal report, I think it ought to be brought to the attention of the House. I am certain from my discussions with Members of both the committee and the House that they do not approve the placing of "undercover" men in Federal prisons in an effort to spy on the officials and the inmates there. That has been done, as you all know, by the Assistant Attorney General in charge of Federal prisons, Mrs. Mabel Walker Willebrandt.

This action is indefensible on any grounds. I for one can not understand how any high official could conceive of such a practice in the United States. They had such systems in Russia, but even there they have been overthrown. It is certainly contrary to American traditions, the American system of government and administration, and a sense of decency. I do not believe that Mrs. Willebrandt's policy is indorsed by the President or by her immediate superior, Attorney General Sargent. It is my understanding that both of them highly disapprove of such tactics. Certainly the American people do. For if it continues, not only in the administration of prisons but in the enforcement of the prohibition laws, we will become a nation of spies, snoopers, and Benedict Arnolds. The House, I believe, knows the facts in the case. But besides resorting to this despicable system, the official responsible procured false commitment papers from a Federal judge in Detroit. Her action is to be condemned in language too strong for expression, in my opinion. And the only reason I did not insist upon criticism of her conduct in the formal committee report is that I did not want to destroy the value of the truly constructive recommendations which our committee has made in connection with the Federal penal system.

It is almost unnecessary for me to recall this same official's intemperate and un-Christian speeches during the campaign. Taking her pulpit in the churches, where only God's message of brotherly and sisterly love should be spoken, she inflamed the passions of our people, flouted religion itself, and created bitterness which may not subside for a generation. I am willing to forgive and forget, for I believe she knew not what she did in her excess of zeal and excitement, but I regret that such a spectacle should ever have been presented to the American people.

Intemperance, it seems to me, has marked the official conduct of this glowing apostle of prohibition and incarceration of agents provocateur in our Federal prisons. Fanaticism dictated her attempt to use the conspiracy clauses of our Federal laws in prosecution of violators of the Volstead Act in New York City. Like the legislators in Michigan, who send responsible mothers of large families to prison for life if snoopers have caught her with a pint of liquor on her person, Mrs. Willebrandt wanted to fill our unhealthy and overcrowded prisons and jails with hip toters and customers of a speak-easy or two. Thirty days and fines were not enough for her; she wanted her victims to rot and hunger in the dungeons for years. But the juries showed better sense and a better understanding of human nature than she did. They would not convict. And now, after devoting time and expense to this impossible persecution, the Federal Government has been forced to abandon its medieval forms of punishment.

Gentlemen, I regret the necessity of these references, but it is time that somebody called a halt on the headlong rush of certain officials swollen by their power. We are still citizens of a republican form of government. We have not yet surrendered to the Anti-Saloon League or its representatives in office. I predict we never will.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 11859. An act for the relief of B. C. Miller; and

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, February 1, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 1, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

For improvement of navigation and the control of floods of Caloosahatchee River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

For the improvement of the Caloosahatchie River, Fla. (H. R. 15095).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act, as amended (H. R. 13173).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Cotton manufactures, January 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

789. A letter from the president of Capital Traction Co., transmitting report of the Capital Traction Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

790. A letter from the president of Georgetown Gas Light Co., transmitting detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders, for the year ended December 21, 1928; to the Committee on the District of Columbia.

791. A letter from the president of Washington Interurban Railroad Co., transmitting report of the Washington Interurban Railroad Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

792. A letter from the president of Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

793. A letter from the president of the Potomac Electric Power Co., transmitting report of the Potomac Electric Power Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

794. A letter from the Postmaster General, transmitting report with the facts in two claims of Mrs. Walter L. Turner, postmaster at Lagrange, Ga., for credit on account of losses sustained in the burglaries of the post office on February 16, 1928, and September 11, 1928; to the Committee on Claims.

795. A letter from the Secretary of the Interior, transmitting copy of a letter from the Commissioner of Pensions, together with the eighth annual report of the Board of Actuaries of the civil-service retirement aid and disability fund (H. Doc. No. 372); to the Committee on the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COOPER of Ohio: Special Committee on Federal Penal Institutions. A report on the investigation of such institutions conducted pursuant to H. Res. 233 (Rept. No. 2303). Referred to the House Calendar.

Mr. HOUSTON of Hawaii: Committee on Naval Affairs. H. R. 8917. A bill to establish a hydrographic station at Honolulu, Territory of Hawaii; without amendment (Rept. No. 2311). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.; without amendment (Rept. No. 2313). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 16720. A bill to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended; without amendment (Rept. No. 2314). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16655. A bill to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor; without amendment (Rept. No. 2315). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 15723. A bill authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes; with amendment (Rept. No. 2316). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16527. A bill to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests; without amendment (Rept. No. 2318). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16568. A bill to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; without amendment (Rept. No. 2319). Referred to the Committee of the Whole House on the state of the Union.

Mr LEAVITT: Committee on Indian Affairs. S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; without amendment (Rept. No. 2320). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 14765. A bill for the relief of Samuel Hooper Lane, alias Samuel Foot; without amendment (Rept. No. 2312). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 16666. A bill for the relief of Katherine Elizabeth Kerrigan Callaghan; with amendment (Rept. No. 2317). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 5397. A bill for the relief of Alexander Boynton; adverse (Rept. No. 2305). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. H. R. 6516. A bill to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general Eastern Department, United States Army, and the commandant navy yard, Charlestown, Mass.; adverse (Rept. No. 2306). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. H. R. 6517. A bill to reimburse the Commonwealth of Massachusetts for expenses incurred in compliance with the request of the United States marshal, dated December 6, 1917, to the Governor of Massachusetts, in furnishing the State military forces for duty on and around Boston harbor under regulation 13 of the President's proclamation; adverse (Rept. No. 2307). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 11599. A bill for the relief of Frank M. Lyon; adverse (Rept. No. 2308). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. S. 116. An act for the relief of R. S. Howard Co.; adverse (Rept. No. 2309). Laid on the table.

Mr. LOWREY: Committee on War Claims. S. 4337. An act for the relief of Booth & Co. (Inc.), a Delaware corporation; adverse (Rept. No. 2310). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16339) granting a pension to Sarah E. M. Ferguson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16574) for the relief of Miguel Pascual, a Spanish subject, and resident of San Pedro de Macoras, Santo Domingo; Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 16710) for the relief of certain employees of the Alaska Railroad; Committee on Claims discharged, and referred to the Committee on the Territories.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WARE: A bill (H. R. 16764) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 16765) to amend section 200 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 16766) to amend section 202, paragraph 7, of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. KNUTSON: A bill (H. R. 16767) to authorize the Secretary of the Interior to determine the value of services and expenses of delegates and representatives of the Chippewa Indians in the State of Minnesota, sent to Washington, D. C., by said Indians, and to certify the amount of the Secretary of the Treasury, for the purpose of making settlement therefor; to the Committee on Indian Affairs.

By Mr. LAGUARDIA: A bill (H. R. 16768) appointing a commissioner of jurors in each district containing a city or borough thereof with a population of more than 1,000,000 inhabitants; to the Committee on the Judiciary.

Also, a bill (H. R. 16769) to amend section 276 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. NEWTON: A bill (H. R. 16770) to permit common carriers to give free carriage or reduced rates to members of the Board of Railway Commissioners of the Dominion of Canada; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 16771) granting the consent of Congress to compacts or agreements between the States of Wyoming and Idaho with respect to the boundary line between said States; to the Committee on the Public Lands.

By Mr. LAGUARDIA: A bill (H. R. 16772) authorizing appropriation to increase the flying field area of Governors Island, N. Y.; to the Committee on Military Affairs.

By Mr. KEMP: A bill (H. R. 16773) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas, on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on Roads.

By Mr. DRIVER: Joint resolution (H. J. Res. 397) interpreting the Mississippi River flood control act of 1928; to the Committee on Flood Control.

By Mr. COLTON: Joint resolution (H. J. Res. 398) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes; to the Committee on Rules.

By Mr. ROY G. FITZGERALD: Joint resolution (H. J. Res. 399) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; to the Committee on Revision of the Laws.

By Mr. TATGENHORST: Concurrent resolution (H. Con. Res. 51) to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15–20, 1929; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 16774) granting a pension to Rosetta Emery; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16775) granting a pension to Elias M. Littleton; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 16776) for the relief of Edward C. Compton; to the Committee on Banking and Currency.

By Mr. GOLDER: A bill (H. R. 16777) for the relief of Harry A. C. Hall, alias Charles A. Brooks; to the Committee on Naval Affairs.

By Mr. GOLDSBOROUGH: A bill (H. R. 16778) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Harold S. Stubbs, and the Bethel Cemetery Co.; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16779) granting an increase of pension to Rachel Ann Evans; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 16780) granting a pension to Ella Girton; to the Committee on Pensions.

Also, a bill (H. R. 16781) granting a pension to Alfred Streeter; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16782) granting an increase of pension to Mary A. W. Barr; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 16783) to correct the naval record of Raymond Wallace; to the Committee on Naval Affairs.

By Mr. STEAGALL: A bill (H. R. 16784) for the relief of William J. Clark; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 16785) granting an increase of pension to Mary Ruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16786) granting an increase of pension to Annie Ensminger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16787) granting an increase of pension to Harriet T. Fry; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16788) granting a pension to Hattie R. Feldman; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 16789) for the relief of Goldberg & Levkoff; to the Committee on War Claims.

Also, a bill (H. R. 16790) to ratify the action of a local board of sales control in respect of contracts between the United States and Goldberg & Levkoff, a firm composed of Joseph Goldberg, Samuel Goldberg, Shier Levkoff, and David Levkoff, of Augusta, Ga.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8472. By Mr. CARTER: Protest of Keyston Bros., of San Francisco, Calif., against removing hides from the free list; to the Committee on Ways and Means.

8473. By Mr. CRAIL: Petition of California Railroad Commission, favoring House bill 15621 and amendments thereto; to the Committee on Interstate and Foreign Commerce.

8474. By Mr. GARBER: Petition of R. N. Clark, Ponca City, Okla., urging support of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8475. Also, petition of the American Farm Bureau Federation, indorsing House bill 14070; to the Committee on Interstate and Foreign Commerce.

8476. By Mr. HUDSPETH: Petition of citizens of Alpine, Tex., asking favorable consideration of Smith-Smoot drainage bill; to the Committee on Irrigation and Reclamation.

8477. By Mr. KETCHAM: Petition signed by 84 citizens of Decatur, Mich., requesting that the House of Representatives bring to a vote and enact into law House bill 14676; to the Committee on Pensions.

8478. By Mr. McCORMACK: Petition of Mary E. Giblin, 37 Mayfield Street, Dorchester, Mass., vigorously protesting against enactment of the so-called Newton maternity bill and the equal rights amendment to the Constitution; to the committee on Interstate and Foreign Commerce.

8479. By Mr. MOORE of Kentucky: Petition signed by H. W. Sublett and 29 other citizens of Bowling Green, Ky., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8480. By Mr. O'CONNELL: Petition of the National Committee on Wild Life Legislation, favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8481. Also, petition of Mirakel Optical Co., Mount Vernon, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8482. Also, petition of the Dykes Lumber Co., New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8483. Also, petition of Mrs. Florence Mosher Gilbert, Briarcliff Manor, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8484. Also, petition of Llewellyn Legge, chief fish and game division, conservation department, State of New York, Albany, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8485. By Mr. QUAYLE: Petition of Mirakel Optical Co., of Mount Vernon, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8486. Also, petition of Dykes Lumber Co., of New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8487. Also, petition of Conservation Department, State of New York, Albany, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8488. Also, petition of the American Indian Defense Association (Inc.), Washington, D. C., favoring the passage of House bill 7204, a bill to authorize the creation of Indian trust estates; to the Committee on Indian Affairs.

8489. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, favoring an appropriation sufficient to train 26,000 reserve officers; to the Committee on Appropriations.

8490. By Mr. SANDERS of New York: Petition of about 1,759 employees and business men affected by the depression in the gypsum industries in Genesee, Monroe, and Erie Counties, in western New York State, to impose a duty on raw, partly manufactured, and manufactured gypsum; to the Committee on Ways and Means.

8491. By Mr. SINCLAIR: Petition of North Dakota Holstein Breeders' Association, indorsing the Haugen bill (H. R. 10958) to amend the definition of oleomargarine; to the Committee on Agriculture.

8492. By Mr. WINTER: Resolution from O. G. Rhode, president the Sheridan County Farm Bureau, Ranchester, Wyo., urging adequate protection for domestic sugar; to the Committee on Ways and Means.

8493. By Mr. YATES: Petition of Constance Hall Totten, Garfield Park, Chicago, Ill., urging support of bill increasing pensions of Union veterans, Civil War (S. 4559); to the Committee on Pensions.

8494. Also, petition of Clem Sikorg, Chicago, Ill., urging support of House bill 15526 and Senate bill 3281; to the Committee on the Post Office and Post Roads.

8495. Also, petition of G. W. Mingus, urging support of anti-alien representation amendment bill (H. J. Res. 102); to the Committee on the Judiciary.

8496. Also, petition of W. F. Judd of National Association of Letter Carriers, Bloomington, Ill., urging support of the Dale-Lehlbach retirement bill (S. 1727) and the La Follette-Mead short Saturday workday bill (S. 3281); to the Committee on the Post Office and Post Roads.

8497. Also, petition of Thomas O. Morris, president Tennessee Association of Drainage Districts, Obion, Tenn., urging support of Senate bill 4689; to the Committee on Irrigation and Reclamation.

8498. Also, petition of Harry L. Gandy, executive secretary National Coal Association, Washington, D. C., urging support of House bill 16301; to the Committee on Interstate and Foreign Commerce.

8499. Also, petition of L. D. Garrett, 50 East Forty-second Street, New York City, urging support of the Black bill (S. 3089) and the McSwain bill (H. R. 13509); to the Committee on Military Affairs.

8500. Also, petition of J. S. Abbott, secretary Institute of Margarine Manufacturers, urging support of Haugen bill (H. R. 10958); to the Committee on Ways and Means.

8501. Also, petition for strengthening of the immigration laws, by Stacy Neal, Sorento, Ill., and 90 other citizens of Sorento, Ill.; to the Committee on Immigration and Naturalization.

8502. Also, petition of O. E. Campbell, carrier No. 2, Winchester, Ill., urging support of Senate bill 3027; to the Committee on the Post Office and Post Roads.

8503. Also, petition of W. A. Wallace, committeeman, Virden, Ill., urging support of the Capper-Kelly bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

8504. Also, petition of U. G. Lee, vice commander of William McKinley Camp, Chicago, Ill., urging passage of pension bill (H. R. 14676); to the Committee on Pensions.

8505. Also, petition of the Chicago Association of Credit Men, by J. F. O'Keefe, secretary, urging that the Committee on Agriculture give consideration to the views of the Illinois-Missouri joint conference of credit men; to the Committee on Agriculture.

8506. Also, petition of E. O. Excell Co., Chicago, Ill., urging passage of Senate bill 4689 and Smith bill (H. R. 14116); to the Committee on Irrigation and Reclamation.

8507. Also, petition of Charles J. Rhoads, president Indian Rights Association, Philadelphia, Pa., urging support of House Joint Resolution 374; to the Committee on Indian Affairs.

8508. Also, petition of citizens of Illinois, urging passage of the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

8509. Also, petition urging passage of Jones-Stalker bill (H. R. 1069); to the Committee on the Judiciary.

8510. Also, petition of George B. Lake, M. D., managing editor Clinical Medicine and Surgery, Chicago, Ill., urging defeat of House bill 14070; to the Committee on Interstate and Foreign Commerce.

8511. Also, petition of National Association of Letter Carriers, urging support of 30-year retirement bill and 44-hour week bill; to the Committee on the Post Office and Post Roads.

8512. Also, petition of Wilkinson, Huxley, Byron & Knight, Chicago, Ill., urging defeat of Senate bill 2366 and House bill 7951; to the Committee on the District of Columbia.

8513. Also, petition of Federal Motion Picture Council in America (Inc.), urging support of House bills 10761 and 13086; to the Committee on Interstate and Foreign Commerce.

8514. Also, petition urging support of Black bill (S. 3089) and Wainwright-McSwain bill (H. R. 12306); to the Committee on Military Affairs.

8515. Also, petition of the Symington Co., Chicago, Ill., urging opposition to Senate bill 668; to the Committee on Interstate and Foreign Commerce.

8516. Also, petition of H. A. Meyer, attorney, Greenville, Ill., urging support of Pullman surcharge bill (S. 668); to the Committee on Interstate and Foreign Commerce.

8517. Also, petition of Cora S. Reid, Daughters of American Revolution, Springfield, Ill., urging passage of the 15-cruiser bill (H. R. 11526) and Kellogg pact; to the Committee on Naval Affairs.

8518. Also, petition of White County rural letter carriers, of Illinois, urging passage of Reece good road bill (H. R. 5659) and Dale retirement bill (S. 1725); to the Committee on the Post Office and Post Roads.

8519. Also, petition of Daughters of American Revolution, urging passage of Joint Resolution 11; to the Committee on the Judiciary.

8520. Also, petition of Church, Traxler & Kennedy, lawyers, Chicago, Ill., urging support of cruiser bill (H. R. 11526); to the Committee on Naval Affairs.

8521. Also, petition of official board of the First Methodist Church, Springfield, Ill., urging support of cruiser bill and Kellogg Paris peace pact; to the Committee on Naval Affairs.

8522. Also, petition of the United National Association of Post Office Clerks, of Peoria, Ill., urging support of longevity bills (S. 3282; H. R. 15083); the Committee on the Post Office and Post Roads.

8523. Also, petition of ———, urging support of dog exemption bill (H. R. 11998); to the Committee on the Judiciary.

8524. Also, petition of board of directors of the Woman's Club of Springfield, Ill., indorsing the pending cruiser bill; to the Committee on Naval Affairs.

SENATE

FRIDAY, *February 1, 1929*

(Legislative day of Thursday, January 31, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

CONSTRUCTION OF CRUISERS

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. HARRISON obtained the floor.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Hale	Mayfield
Barkley	Dale	Harris	Moses
Bayard	Dill	Harrison	Neely
Bingham	Edge	Hastings	Norbeck
Black	Fess	Hawes	Norris
Blaine	Fletcher	Hayden	Nye
Blease	Frazier	Heflin	Oddie
Borah	George	Johnson	Overman
Bratton	Gerry	Jones	Pine
Brookhart	Gillett	Kendrick	Ransdell
Bruce	Glass	Keyes	Reed, Mo.
Burton	Glenn	King	Reed, Pa.
Capper	Goff	McKellar	Robinson, Ark.
Caraway	Gould	McMaster	Robinson, Ind.
Couzens	Greene	McNary	Sackett